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S. HRG. 101-232

NEVADA WILDERNESS PROTECTION ACT OF 1989

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

S. 974

TO DESIGNATE CERTAIN LANDS IN THE STATE OF NEVADA AS WILDERNESS, AND FOR OTHER PURPOSES

JULY 24, 1989

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Committee on Energy and Natural Resources

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NEVADA WILDERNESS PROTECTION ACT OF 1989

MONDAY, JULY 24, 1989

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:08 a.m., in room SD–366, Hon. Dale Bumpers, presiding.

OPENING STATEMENT OF HON. DALE BUMPERS, U.S. SENATOR FROM ARKANSAS

Senator BUMPERS. Since I am the one who has to leave the hearing this morning, I am going to insert my own statement in the record. It is a fairly perfunctory statement.

I think everybody here is extremely familiar with this. It has been around for some time now. If they are not familiar with it now, they never will be. So let me make this one remark. We have to surrender this Committee room by noon, so that is necessarily going to constrain some people. I hope most people will be able to summarize and limit their statements to five minutes, so we will not leave anybody dangling at high noon today.

With that, let me say the two gentlemen who have introduced the bill in the Senate, and the reason we are here this morning is because they do not let me sleep, they do not let me do anything except talk about Nevada wilderness and hence the hearing. Is this number 11 on Nevada wilderness, something like that?

I want to give you my personal commitment that I am going to do my very best to get this bill resolved this year and passed and I know that I certainly am going to have the cooperation of the Nevada senators and I hope other interested parties, and with that our first witness this morning is Senator Harry Reid.

Harry, welcome to the Committee and please proceed.

[The prepared statements of Senators Bumpers, McClure and Wallop and the text of S. 974 follow:]

STATEMENT OF SENATOR DALE BUMPERS

JULY 24, 1989

The purpose of the hearing this morning is to receive testimony on S. 974, the Nevada Wilderness Protection Act of 1989.

This legislation, which is co-sponsored by Senators Reid and Bryan, would add 14 separate wilderness areas, comprising approximately 733,400 acres of national forest land, to the National Wilderness Preservation System. The legislation contains the standard "release/sufficiency language included in every statewide wilderness bill since 1983 and also addresses the issue of federal reserved water rights in Nevada. The legislation also includes what I consider to be a very troubling provision permitting the use of snowmobiles in one of the proposed wilderness areas.

Nevada wilderness is not a new issue for the Congress or this Committee. In the 99th Congress, the Subcommittee conducted five days of field hearings on this subject in Nevada. Last Congress, we held a hearing here in Washington on a bill similar to the one we are considering today. The House has also conducted hearings on this issue and has passed a state-wide wilderness for Nevada bill three times.

Nevada is one of only three states in which the Congress has not enacted a RARE II wilderness bill in the 10 years since the Forest Service concluded its second Roadless Area Review and Evaluation. I am

hopeful that this will be the year that Nevadans get this issue behind them. I plan do what I can to see that this bill, which enjoys the support of both Senators, is considered expeditiously in the Senate.

At this point, I will place a copy of the bill in the hearing Record. The Record will remain open for one additional week to receive additional material anyone would like to submit.

Because we have another hearing scheduled in this room this afternoon, our hearing must conclude no later than noon. I ask all public witnesses to please summarize your statements in no more than five minutes. I would ask my Senate colleagues and our friends from the House to please limit your oral testimony also so that your constituents will have as much time as possible.

Senator James A. McClure

Subcommittee on Public Lands, National Parks and Forests

Hearing on S. 974

Nevada Wilderness Protection Act of 1989

July 24, 1989

Mr. Chairman, as you are aware, I am generally concerned with taking any action on public lands measures which are internal to a state unless both Senators from that state are in agreement. The Full Committee has a very good record in that regard; the major exception is when legislation before this Committee contains a provision which will have nationally significant ramifications.

While both of my esteemed colleagues from Nevada are in agreement on all measures within the Nevada Wilderness Protection Act, Mr. Chairman, I would be remiss if I did not consider the water language in this legislation of national significance, in light of its possible impact on landowners and other holders of water rights throughout the Western states.

Mr. Chairman, there are relevant court cases already addressing wilderness water rights. Let me discuss for the moment the status of the appeal in the Sierra Club vs. Yeutter court case.

As of last Thursday, the decision in the District Court in Colorado has been appealed by the U.S. Government with a request to vacate the decision on the basis that the District Court had denied the relief requested.

The District Court in New Mexico (New Mexico vs. Molybdenum Corporation of America) on a similar issue has sustained a special masters report concluding that there is no reserved right under the Wilderness Act. In this case, the final order has not been issued and will most likely be appealed.

In addition, within the Executive Branch, both the Department of Justice and the Department of the Interior have concluded that no additional reserved rights result from the designation of lands as wilderness, if those lands had been previously withdrawn for the purposes of National Forests or Parks.

The wilderness water rights issue is of practical as well as academic importance because some of the areas now being studied and proposed for wilderness designation already have implied rights from their original withdrawal while others have no federal reserved water rights, or are in the middle of the relevant water source, and hence the federal water rights for the areas will affect other water right holders along the same water source. The assertion in this legislation that there is an implied reserved water right arising under the Wilderness Act simply is not supported by either case law or a reasoned interpretation of the Wilderness Act.

I am sure you can appreciate the importance of this issue as well as my concern. The water language in S. 974 is seriously flawed in my opinion, and I am sure you can understand that retention of this section in its present form will seriously jeopardize the successful enactment of the Nevada Wilderness Protection Act of 1989.

Thank you, Mr. Chairman.

Malcolm Wallop

Senator Malcolm Wallop

Subcommittee on Public Lands, National Parks and Forests

S. 974

Nevada Wilderness Protection Act of 1989

Mr. Chairman, in my opinion a wilderness bill or in this case, the Nevada Wilderness Protection Act of 1989, is not an appropriate vehicle for undertaking a major revision of federal-state water jurisdiction.

I find it difficult to believe that my esteemed colleagues from Nevada would advocate such a position as described in this legislation.

For a century, the federal government has recognized the unique system of water rights which apply in the West. Congress has consistently deferred to the mixture of riparian and appropriative rights which exist in the West. However complex, the water rights regimes in the Western states have served both the states and this nation well. As the Public Land Law Review Commission stated in its report:

> In nearly 100 years of development, state water law has achieved a reasonable certainty of results which has permitted substantial public and private development in the West. While sometimes necessarily complex, the state administrative and judicial procedures have provided a means to determine security of rights to the use of water.

To reverse that opinion for no identifiable reason should not be tolerated.

In short, I find the water language in S. 974 totally objectionable. Mr. Chairman, in the interest of time, I do not want to dwell on my total rationale for opposing this specific language. I just want you to know I am in opposition to this provision, and I am positive I will have the opportunity to speak to this issue as this legislation proceeds. However, I might add that the language of this legislation gives designated wilderness specific rights to water. The precedent this renders to law seriously erodes the states' security of rights to use of water.

There are also other issues within the Nevada Wilderness Protection Act of 1989 which I think should be addressed. According to testimony submitted by the Forest Service, which is comprised of individuals considered to be the professionals in the field of forestry management, it appears little regard

was given to their recommendations in the Forest Plans.

I strongly believe some consideration should be given to the Forest Service planning process. Their rationale for making these decisions and recommendations appear to have some merit. I speak to the issues on the proposed Currant Mountain Wilderness, the Quinn Canyon Wilderness, the Table Mountain Wilderness, and the Santa Rosa Wilderness. Each of these issues should be fully explored and the decision-making process be shared with all involved parties.

I would also ask if any special management areas are in order. This and past legislation concerning Nevada Wilderness has excluded at least one helicopter skiing operation. There are some who advocate including the area used by this operation in wilderness. It is my hope that this issue will not be reversed. Are there other private enterprises which will be impacted by this legislation? How many of these areas have had the mineral potential of the land studied? How many mining operations will this legislation affect? Have the takings implications of this legislation been identified?

There is just one other issue I think we should look into. The long-standing

mission of the Naval Air Station in Fallon is to provide air warfare training facilities for the Navy carrier air wings prior to deployment. Units from the Marine Corps, Air Force, Army, and the National Guard also utilize the Fallon Training complex. The proposed wilderness areas of "Alta Toquima," "Arc Dome," "Table Mountain," and "Currant Mountain" lie in the direct center of military operation areas. The Navy has close to a billion dollars invested in the Fallon Training Range Complex. It is clearly the only training facility of its kind. As far as I can tell, there is no provision in this legislation which will alleviate mandated stringent flight level restrictions. Without such a provision I can certainly foresee endless complaints and litigation concerning naval flight operations in and around these wilderness areas, if in fact they are allowed to continue their operations at all. Certainly we should hear from the Department of Defense on this issue.

On a different note, I would like to congratulate the Forest Service for submitting their testimony in a timely manner. Due to the late arrival of other testimony I plan to submit for the record several questions regarding issues I have discussed in my statement as well as additional questions pertaining to testimony that I have not had a chance to review as of this date.

Mr. Chairman, I want to assure you I do not disagree with wilderness designation. It is an important part of our resource management programs and management of our public lands. However, I would want to ensure that all potential problems and known issues are addressed before we proceed to enactment of this bill.

Thank you, Mr. Chairman.

II

101ST CONGRESS
1ST SESSION

S. 974

To designate certain lands in the State of Nevada as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11 (legislative day, JANUARY 3), 1989

Mr. REID (for himself and Mr. BRYAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To designate certain lands in the State of Nevada as wilderness, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Wilderness Protection Act of 1989".

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131–1136), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Toiyabe National Forest, which comprise approximately 38,000 acres, as generally depicted on a map entitle "Alta Toquima Wilderness—Proposed", dated May, 1989, and which shall be known as the "Alta Toquima Wilderness";

(2) certain lands in the Toiyabe National Forest, which comprise approximately 115,000 acres, as generally depicted on a map entitled "Arc Dome Wilderness—Proposed", dated May, 1989, and which shall be known as the "Arc Dome Wilderness";

(3) certain lands in the Inyo National Forest, which comprise approximately 10,000 acres, as generally depicted on a map entitled "Boundary Peak Wilderness—Proposed", dated May, 1989, and which shall be known as the "Boundary Peak Wilderness"

(4) certain lands in the Humboldt National Forest, which comprise approximately 36,000 acres, as generally depicted on a map entitled "Currant Mountain Wilderness—Proposed", dated May, 1989, and which shall be known as the "Currant Mountain Wilderness";

(5) certain lands in the Humboldt National Forest, which comprise approximately 36,900 acres, as generally depicted on a map entitled East Humboldts Wilderness—Proposed", dated May, 1989, and which shall be known as the "East Humboldts Wilderness";

(6) certain lands in the Humboldt National Forest, which comprise approximately 48,500 acres, as generally depicted on a map entitled "Jarbidge Wilderness Addition—Proposed", dated May, 1989, and which are incorporated in the Jarbidge Wilderness designated as wilderness by section 3(a) of the Wilderness Act (16 U.S.C. 1132(a));

(7) certain lands in the Toiyabe National Forest, which comprise approximately 28,000 acres, as generally depicted on a map entitled "Mt. Rose Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Rose Wilderness";

(8) certain lands in the Humboldt National Forest, which comprise approximately 27,000 acres, as generally depicted on a map entitled "Quinn Canyon Wilderness—Proposed", dated May, 1989, and which shall be known as the "Quinn Canyon Wilderness";

(9) certain lands in the Humboldt National Forest, which comprise approximately 90,000 acres, as generally depicted on a map entitled "Ruby Mountains Wilderness—Proposed", dated May, 1989, and which shall be known as the "Ruby Mountains Wilderness";

(10) certain lands in the Toiyabe National Forest, which comprise approximately 43,000 acres, as generally depicted on a map entitled "Mt. Charleston Wil-

derness—Proposed", dated May, 1989, and which shall be known as the "Mt. Charleston Wilderness";

(11) certain lands in the Toiyabe National Forest, which comprise approximately 98,000 acres, as generally depicted on a map entitled "Table Mountain Wilderness—Proposed", dated May, 1989, and which shall be known as the "Table Mountain Wilderness";

(12) certain lands in the Humboldt National Forest, which comprise approximately 50,000 acres, as generally depicted on a map entitled "Grant Range Wilderness—Proposed", dated May, 1989, and which shall be known as the "Grant Range Wilderness";

(13) certain lands in the Humboldt National Forest, which comprise approximately 82,000 acres, as generally depicted on a map entitled "Mt. Moriah Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Moriah Wilderness"; and

(14) certain lands in the Humboldt National Forest, which comprise approximately 31,000 acres, as generally depicted on a map entitled "Santa Rosa Wilderness—Proposed", dated May, 1989, and which shall be known as the "Santa Rosa Wilderness".

SEC. 3. MAPS AND DESCRIPTIONS.

As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal descrip-

tion of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 4. ADMINISTRATION OF WILDERNESS.

Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by the Wilderness Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

SEC. 5. WILDERNESS REVIEW CONCERNS.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Nevada and of the environmental impacts associated with alternative allocations of such areas.

(b) DETERMINATION.—On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Nevada, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Nevada;

(2) with respect to—

(A) the National Forest System lands in the State of Nevada that were reviewed by the Department of Agriculture in the second roadless area review and evaluations (RARE II); and

(B) the lands described in subsection (d),

that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) to be an adequate consideration of the suitability of such lands for inclusion in the Na-

tional Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a 10-year cycle, or at least every 15 years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Nevada reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness in section 2 shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604): *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Nevada are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness desig-

nation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purposes of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (U.S.C. 1600–1614) and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Nevada for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) REVISIONS.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), the term "revision" shall not include an "amendment" to a plan.

(d) APPLICATION OF SECTION.—Lands identified by reference to this subsection are—

(1) National Forest System roadless lands in the State of Nevada of less than 5,000 acres; and

(2) Those National Forest System roadless areas, or portions thereof in the State of Nevada, identified in

the unit plans listed below, which are not designated as wilderness in section 2:

National Forest	Unit Plan
Humboldt	Santa Rosa
Humboldt	Ruby Mt./E. Humboldt
Toiyabe	Mt. Charleston
Toiyabe	Central Nevada

SEC. 6. GRAZING IN WILDERNESS AREAS.

(a) LIVESTOCK GRAZING.—Grazing of livestock in wilderness areas designated in section 2 that was established prior to the date of enactment of this Act shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and section 108 of the Act entitled "An Act to designate certain National Forest System lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes (16 U.S.C. 1133 note).

(b) REVIEW.—The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in National Forest Wilderness areas in Nevada in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(c) REPORTS.—Not later than 1 year after the enactment of this Act, and at least every 5 years thereafter, the

Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing the progress made by the United States Forest Service in carrying out the provisions of subsections (a) and (b).

SEC. 7. MT. ROSE SNOWMOBILE CORRIDOR EXCEPTION.

(a) EXCEPTION.—Notwithstanding any other provision of this Act or the Wilderness Act (16 U.S.C. 1131–1136), the corridor located in Mt. Rose described in subsection (b) shall be available for snowmobiles beginning January 1 of each year and ending April 30 of such year.

(b) DESCRIPTION OF CORRIDOR.—The corridor referred to in subsection (a) is described as follows:

> Northeast corridor boundary line running from the common corners of sections 3, 4, 9, and 10 to a point one quarter mile east of the common corners of sections 10, 11, 14, and 15, on the boundary between sections 11 and 14. The southwest corridor boundary line running from the common corner of sections 1, 10, 11, and 15 to a point one quarter mile south of the common corners of sections 3, 4, 9, and 10 on the boundary between sections 9 and 10. The corridor is approximately one mile long and approximately one-quarter mile wide.

SEC. 8. PROHIBITION OF BUFFER ZONES.

Congress does not intend that the designation of wilderness areas in the State of Nevada implies the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 9. WATER ALLOCATION AUTHORITY.

(a) FINDINGS.—The Congress finds and declares that—

(1) where it exists in wilderness, water is vital to those natural values and recreation uses that wilderness, as defined by this Act and the Wilderness Act (16 U.S.C. 1131–1136), is meant to provide for and preserve;

(2) the Federal water rights reserved by this Act shall be in addition to express or implied water rights previously reserved by the United States for other than wilderness purposes;

(3) except as provided in subsection (b)(1), this Act is not intended to define the existence or scope of any express or implied reserved water right created in or arising from other Federal legislation; and

(4) the express reservation of water for the lands designated by this Act is in lieu of the rights that would otherwise be reserved by implication when areas

are included in the National Wilderness Preservation System.

(b) DETERMINATION.—(1) On the basis of such findings, the Congress determines and directs that the United States reserves a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act.

(2) The priority date of the water rights reserved in paragraph (1) shall be the date of enactment of this Act.

(3) The Secretary shall file a claim for the quantification of the water rights reserved in paragraph (1) in an appropriate stream adjudication and shall take all steps necessary to protect such rights in such an adjudication.

SEC. 10. STATE FISH AND WILDLIFE AUTHORITY.

As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Nevada with respect to wildlife and fish in the national forests in Nevada.

SEC. 11. ALLOWANCE OF CLIMATOLOGICAL DATA COLLECTION.

Within the appropriate wilderness areas designated in section 2, the Wilderness Act (16 U.S.C. 1131–1136) shall not be construed to prevent the installation and maintenance of hydrologic, meteorologic, or climatological collection devices subject to such conditions as the Secretary of Agricul-

ture deems desirable, where such facilities or access are essential to flood warning, flood control, and water reservoir operation purposes.

STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM NEVADA

Senator REID. Thank you very much.

As you have indicated, I introduced this bill along with my colleague from Nevada, Senator Richard Bryan. This bill represents years of investigation, research, compromise and hard work. Today's hearing is the tenth or eleventh hearing on the subject of Nevada wilderness and I really, Mr. Chairman, hope it will be the last.

The amount of time devoted to crafting this legislation, the number of people participating in the process, clearly indicate that we have heard all sides of the issue. We are ready to pass a bill.

I believe it would be instructive for me to do a brief walk-through of the extensive efforts that have brought us where we are today. In July of 1985, the House National Parks and Public Lands Subcommittee took a five-day tour of all the proposed wilderness areas in Nevada. I was on the tour, as were other members, including Nevada Congresswoman Barbara Vucanovich and Senator Chic Hecht, Congressman Bilbray at that time a state senator.

During the helicopter tour we stopped as many as five times a day, all over the state, to talk with people who were interested. These people had responded to an open indication to the media to express their opinions. We were able to hear all sides of the issue at that time.

Next, a nine-hour hearing was conducted by the House National Parks and Public Lands Subcommittee in the District of Columbia in which 32 people testified, 29 of whom were Nevadans. The Subcommittee then held a seven-hour hearing in Ely, Nevada. Dozens testified at that time.

In February 1986, the Senate Public Lands, National Parks and Forests Subcommittee conducted five hearings on wilderness and park issues throughout the State of Nevada. Approximately 500 people testified.

In April 1986, the House of Representatives overwhelmingly passed my wilderness legislation. The legislation died in the Senate.

Moving on to 1987, the Senate Public Lands, National Parks and Forests Subcommittee held a hearing on my wilderness proposal, at which 21 Nevadans testified. The House National Parks and Public Lands Subcommittee conducted hearings on three Nevada wilderness proposals. Both Senate and House hearing records were left open for weeks to elicit comments from Nevadans others interested in the wilderness issue.

I expect that the hearing record on Nevada wilderness legislation is the largest, most extensive record accumulated thus far on a wilderness issue in any state, with perhaps the exception of Alaska. It is, Mr. Chairman, by far the most heard piece of legislation in the entire history of the State of Nevada.

It is fair to say that all sides have had their so-called day in court. It is time a verdict is reached.

The three major daily newspapers in Nevada all support my legislation and urge us to act. A recent editorial from one of the Nevada newspapers prodded Congress to make a decision. The paper stated "The wilderness issue has been discussed ad infini-

tum—in countless public hearings, numerous press articles, on TV, on talk radio, in community forums and in Congress—for six long years now." Let us now, then, Mr. Chairman, put aside discussion of the immense effort involved in creating this compromise bill. Let us look at facts and what the bill would do.

I think you will find that opponents of this legislation, those who assure us that the bill would have a devastating negative impact, are crying wolf.

The Wilderness Act of 1964 stated that every state in the country must designate wilderness areas. These areas must be incorporated in Federal legislation, approved by Congress and signed into law.

Every state has complied with the 1964 act except Nevada. That is a little surprising, given the fact that Nevada ranks seventh out of 50 states in terms of sheer land mass, but that is a reality.

As a result, the National Forest land that is to be considered for wilderness designation has been protected as de facto wilderness. All the land—3.2 million acres of it—is tied up, off limits until we enact wilderness legislation.

My bill designates a mere 733,000 acres of this land—I see that Senator McClure has come into the room to preside on the Committee and when I say the bill designates a mere 733,000 acres, based on Idaho standards that is a "mere" amount of land.

The remaining 2.4 million acres of Nevada Forest Service land that is now tied up in wilderness in Nevada will be opened for a variety of uses. This presents overwhelming opportunities for ranchers, miners, developers and recreational vehicle owners.

These interests stand to greatly benefit from my legislation, and yet some of these same interests are opposed to the bill—and I say some, because certainly they all are not. Their opposition can be traced to the plain fact that they do not want any wilderness areas anywhere, ever.

But as I said before, legislation involves compromises. Countless others involved in this protracted process have compromised. We need to make it clear that land belongs to no single constituency. Compromise is imperative, and my bill and that of Senator Bryan's reflects that compromise.

This legislation asks that we preserve only a small fraction of land in its natural, pristine form. We owe it to ourselves and to future generations to make permanent the beauty, serenity and richness of these areas.

There are some who believe that wilderness only holds appeal for environmentalists and hiking enthusiasts. But as clean air becomes a rare commodity and cities become increasingly crowded, as concrete structures are erected everywhere and our vistas are vastly limited, wilderness will be one of the few areas where nature survives in all its magnificence.

Some Nevadans take our abundant natural resources for granted, but the riches of our region will inevitably be compromised as growth takes its toll on the land and environment.

Passing this legislation is the least we can do to preserve natural lands, to leave a permanent legacy of nature in its unfettered, untrammeled state.

We are fortunate to have with us today a panel of witnesses who will confirm what we have learned in the past nine hearings—that

the proposed legislation is the ultimate compromise and in the best interests of Nevada and the Nation.

Among those testifying is Pete Morros, the state water engineer for Nevada. Mr. Morros will provide his valuable insights into the water rights provision included in our legislation. In Nevada, he is known as "Mr. Water."

When designating wilderness areas, I believe Congress should clearly indicate its intentions regarding a Federal water right and the purpose for which the water is being reserved.

We must also ensure that we protect the role of the state in quantifying and adjudicating such rights. Our legislation reserves sufficient water for wilderness purposes and assures that the Federal right will be quantified through an appropriate state process.

Our bill also fully protects existing water rights and applies only to the areas being designated by this legislation. The bill is not intended to affect the interpretation of any implied or expressed Federal water rights for other wilderness or public land designations.

The compromise water language adopted in our bill is drawn from a similar provision which was adopted, after lengthy discussions and negotiations last Congress, in legislation designating the San Pedro National Riparian Conservation Area in Arizona.

This provision will have no practical effect on existing water rights in Nevada.

First, the Federal right will be junior to all existing water rights.

Second, all areas designated as wilderness by this bill have waters that originate within them, rather than flowing into them from nonwilderness lands.

Third, a wilderness water right is "nonconsumptive." It exists merely to ensure that water continues to flow through the wilderness area, thus guaranteeing that water will be delivered to downstream holders of water rights.

In closing, Mr. Chairman, I ask you to recall the Wilderness Act of 1964 and the National Wilderness Preservation System that the law sought to establish.

The national wilderness system is not truly national because Nevada, with its vast mountain areas—some say the most mountainous area in the entire United States, the most mountainous state in the United States, is not represented.

Nevada, then, is the odd man out. The Nevada Wilderness Protection Act will allow Nevada to finally assume its rightful place in our country's national system of wilderness lands.

Thank you, Mr. Chairman.

Senator BUMPERS. Thank you.

Senator Bryan?

STATEMENT OF HON. RICHARD H. BRYAN, U.S. SENATOR FROM NEVADA

Senator BRYAN. Senator Reid, my senior colleague, has outlined the history. It has been a quarter of a century now since the Wilderness Act was passed by the Congress. The bill before you represents, as the senator indicates, compromise.

There will be people who will testify here today that they would like more than the 733,000 that this bill sets aside, and there will be people who will testify that they would like less.

No one knows better than the Senate of the United States, as an institution of the Congress, that it is compromise which is in the nature of the legislative process, and so the bill that we bring to you this morning is a product of that compromise.

It releases some 2.4 million acres which have been a part of the de facto wilderness set aside as study areas since the areas were first designated and it represents, in my judgment, a reasonable and responsible balance.

It constitutes approximately 1 percent of Nevada's total land mass. When compared with that of the surrounding states, it is reasonable indeed: our sister state to the east, Utah, has 1.5 percent; Arizona to the south, 2.8 percent; Oregon to the north, 3.4 percent; Idaho, some 7.6 percent; and California, 5.9 percent.

It strikes me, Mr. Chairman, that this is the epitome of a compromise and I am hopeful that your Subcommittee will bring that jury verdict that Senator Reid talked about to enact this legislation during the course of this Congress.

Thank you so much.

Senator BUMPERS. Thank you.

Congressman Bilbray?

STATEMENT OF HON. JAMES H. BILBRAY, U.S. REPRESENTATIVE FROM NEVADA

Mr. BILBRAY. I would like to give a full statement to the Committee and have it be made part of the record. Also, the particular stalling tactics on wilderness editorial that Senator Reid referred to, I would like to give to the Committee.

Mr. Chairman, I would like first to thank you and the other members of the Subcommittee for allowing me to testify in support of S. 974, the Nevada Wilderness Protection Act of 1989.

I have introduced nearly identical legislation—H.R. 2320—in the House and I am very honored to be able to testify here today in support of what I feel is one of the most important pieces of legislation for the State of Nevada to be considered in the 101st Congress.

Mr. Chairman, the time for wilderness legislation in the State of Nevada is long overdue. The vast majority of Nevadans have voiced their desire over the years to protect as wilderness those pristine areas of land so crucial to the ecological fiber of Nevada.

The correspondence that my office has received this year alone is 80 percent in favor of enacting wilderness legislation with the minimum total acreage of that which is included in S. 974.

S. 974 would designate 14 areas as wilderness, totaling 733,400 acres. These areas represent only 1.3 hundredths of the total 71 million acres of land in Nevada.

Presently, Nevada has only one wilderness area—the 64,000 acres of Jarbridge Wilderness in the Humboldt National Forest. Since 1964, no wilderness legislation for lands in Nevada has been enacted into law.

As a result, Nevada is one of the three western states that does not have a state-wide wilderness act with provisions to add high-

quality areas to the national wilderness preservation system to release other roadless lands to nonwilderness use.

The lack of a state-wide act with release and sufficiency language is a threat to Nevada's environment and economy. The Forest Service cannot proceed with its job of managing these roadless lands, important projects and developments planned by industry are delayed indefinitely, and high-quality wild lands in need of protection remain vulnerable.

S. 974 addresses the need by protecting the wilderness values of some of these lands and allowing the rest to be managed for other uses. Over 3.2 million acres of Forest Service roadless areas were studied for wilderness designation. S. 974 allows over 2.4 million acres of studied land to be released for other multiple use purposes. S. 974 is truly a compromise piece of legislation.

In the House this year, proposals for wilderness designation in the State of Nevada have ranged from a minimum of 132,000 acres to a maximum of 1.4 million acres. At 733,400 acres, S. 974 is almost exactly in the middle of these two extremes.

The bill represents the desires and concerns of all Nevadans. It is the result of numerous congressional hearings over the past four years, with this one, according to my reckoning, being the tenth, informal hearings conducted in Nevada during the wilderness trip in 1985, as well as exhaustive discussions during various town hall meetings in all parts of Nevada. The time for hearings is over. The people of Nevada want a responsible wilderness bill enacted into law this year.

Mr. Chairman, once again I would like to thank you and the other members of the Subcommittee for allowing me to testify today in support of this important, long overdue piece of legislation.

[The prepared statement of Mr. Bilbray follows:]

TESTIMONY OF THE HONORABLE JAMES H. BILBRAY
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS
AND FORESTS OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

THE HONORABLE DALE BUMPERS, CHAIRMAN

July 24, 1989

Mr. Chairman, I would first like to thank you and the other members of the subcommittee for allowing me testify today in support of S. 974, the Nevada Wilderness Protection Act of 1989. I have introduced nearly identical legislation, H.R. 2320, in the House, and I am very honored to be able to testify here today in support of what I feel is one of the most important pieces of legislation for the State of Nevada to be considered in the 101st Congress.

Mr. Chairman, around the turn of the century President Teddy Roosevelt foreshadowed the need for our nation to protect the beauty of its natural resources: "The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value." As we celebrate the 25th Anniversary of the Wilderness Act of 1964 this year, I feel a compulsion to heed President Roosevelt's words, not only by protecting certain lands in the State of

Nevada, but by viewing the entire country with a heightened consciousness of the many environmental threats it faces today.

Mr. Chairman, the time for wilderness designation in the State of Nevada is long overdue. The vast majority of Nevadans have voiced their desire over the years to protect as wilderness those pristine areas of land so crucial to the ecological fiber of Nevada. The correspondence that my office has received this year alone is 80% in favor of enacting wilderness legislation with a minimum total acreage of that which is included in S. 974. S. 974 would designate 14 areas as wilderness totaling 733,400 acres; these areas represent only 1.03% of the total 71 million acres of land in Nevada.

Each of the 14 areas designated in S. 974 contain their own unique characteristics which illustrate the beauty of Nevada and stress the need for wilderness protection. For instance: In the Mt. Charleston wilderness area is one of the best stands of bristlecone pines in the west. In the Arc Dome area are perennial streams which offer some of the finest trout habitat in central Nevada. In the North Canyons of the Ruby Mountains are spectacular water falls and cascades in glacial, u-shaped canyons and hanging valleys. Three of the summits are over 11,000 feet. Currant Mountain has an 11,500 foot summit of sheer limestone block. This impressive, rugged area includes small bands of bighorn sheep as well as bristlecone pines. It is one of the few

areas in Nevada which has received almost no domestic livestock grazing.

Presently, Nevada has only one wilderness area, the 64,000 acre Jarbidge Wilderness in the Humboldt National Forest. Since 1964, no wilderness legislation for lands in Nevada has been enacted into law. As a result, Nevada is one of the three western states that does not have a statewide wilderness act with provisions to add high quality areas to the National Wilderness Preservation System and to release other roadless lands to non-wilderness uses.

The lack of a statewide act with release and sufficiency language is a threat to Nevada's environment and economy. The Forest Service cannot proceed with its job of managing these roadless lands, important projects and developments planned by industry are delayed indefinitely and high quality wildlands in need of protection remain vulnerable. S. 974 addresses this need by protecting the wilderness values of some of these lands and allowing the rest to be managed for other uses. Over 3.2 million acres of Forest Service roadless areas were studied for wilderness designation. S. 974 allows over 2.4 million acres of studied land to be released for other multiple use purposes.

S. 974 is truly a compromise piece of legislation. In the House this year, proposals for wilderness designation in the State of Nevada have ranged from a minimum of 132,000 acres to a

maximum of 1.4 million acres. At 733,400 acres, S. 974 is almost exactly in the middle of these two extremes. This bill represents the desires and concerns of all Nevadans. It is the result of numerous Congressional hearings over the past 4 years, with this one being the 10th, informal hearings conducted in Nevada during the wilderness trip in 1985, as well as exhaustive discussions during various town hall meetings in all parts of Nevada. The time for hearings is over, the people of Nevada want a responsible wilderness biill enacted into law this year.

Mr. Chairman, once again I thank you and the other members of the subcommittee for allowing me to testify today in support of this important and long overdue piece of legislation.

Senator BUMPERS. Thank you.
Mrs. Vucanovich?

STATEMENT OF HON. BARBARA VUCANOVICH, U.S. REPRESENTATIVE FROM NEVADA

Mrs. VUCANOVICH. I would like to thank you for the opportunity to testify before you this morning on S. 974. Nevada is a public land state. 87 percent is owned by the Federal Government. As you are well aware, Nevada wilderness is an extremely controversial issue.

Senator BUMPERS. Mrs. Vucanovich, I do not believe your microphone is working. Maybe Congressman Bilbray will share his with you.

Mrs. VUCANOVICH. As you are well aware, Nevada wilderness is an extremely controversial issue within our state. It has also become a popular issue with colleagues of mine from other states, whom, it seems, would like to designate the whole State of Nevada as wilderness.

Mr. Chairman, I have several reservations regarding wilderness. I am concerned about the prospect of locking away multiple use public lands with a single use designation.

I am also concerned about the people who make their living on the land. I am troubled about the known and unknown mineral potential of the lands in question and I am truly alarmed about the effect this bill has on water rights.

But mainly, I am concerned about how my constituents feel about wilderness and I am here to tell you that they are not welcoming large wilderness designation with open arms. The wide variety of multiple use proponents in Nevada are making their voice heard throughout the state, a voice demanding reasonable, rational land-use policy.

In fact, the entire west is hearing more and more from advocates of multiple-use policy. For example, just last month the delegates to the Idaho AFL–CIO convention overwhelmingly passed a resolution opposing further set-asides of public land for single use purposes.

In testimony last week before this very Subcommittee on Idaho wilderness, Virgil Cromer of the Forest Products Industry Employees described the Idaho AFL–CIO resolution as "a reflection of the frustration our working people feel over the continuing threat to our jobs posed by wilderness and a host of administrative set asides."

I am not absolutely opposed to wilderness. I believe we should set aside some special areas for both present and future generations to use and enjoy in their pristine state. However, I do not believe more is always better. As any Nevadan knows, the majority of our state is truly spectacular, but that does not mean it should all be designated wilderness.

All of the proposed wilderness areas are located in my district. Citizens from rural Nevada, my constituents, are the people who will live with the ramifications of wilderness day in and day out and I believe these people have a right to be heard.

Chairman Vento of the House National Parks and Public Lands Subcommittee has been to Nevada and has seen the proposed areas, but has never held a hearing in Nevada. I respectfully request, Mr. Chairman, that your Subcommittee also go out to my state, see the country and talk to the people.

As I am sure you are also aware, Forest Service wilderness is just the tip of the wilderness iceberg. We have yet to examine and make recommendations on the 5.1 million acres of wilderness study areas administered by the Bureau of Land Management and the 2.4 million acres of public land administered by the U.S. Fish & Wildlife Service.

To make such large acreage designations on Forest Service land without taking into account the substantial percentage of BLM lands in Nevada that could be considered for wilderness is irresponsible.

I believe my own bill, H.R. 2066, and not S. 974, most accurately reflects the wants and desires of Nevadans on this issue. My bill would designate approximately 132,000 acres in four areas as wilderness and about 29,000 acres on Mount Rose as a National Recreation Area. My bill also contains language to protect grazing, mining and state water rights which I believe are absolutely necessary and should be included in a new bill to be considered.

Last week, also at the Idaho wilderness hearings before this Subcommittee, Senator McClure expressed his adamant opposition to legislatively creating federally-reserved water rights as a provision of wilderness designations and I would like to echo Senator McClure's sentiments. S. 974 contains language that would create just such water rights and I am sure Senator McClure would join me in opposition to that language.

This is a Nevada issue. It is not something that can or should be resolved by the United States Congress without the input of Nevadans. I appreciate you holding this hearing, however, because it gives me the opportunity to express my absolute opposition to S. 974 and to urge this Committee to take a very close look at Nevada wilderness, but to take that very close look in Nevada so that any decision reached will be as responsive as possible to the citizens who will be directly affected.

Thank you, Mr. Chairman.

Senator BUMPERS. Thank you very much, Mrs. Vucanovich.

Let me just say that really the only thing about this bill that has concerned me a little bit is the permissible use of snowmobiles in one of the areas. It is not a very big area, as I understand it—about a mile long and a quarter-mile wide. And my concern about that is as much precedent as anything else. Nevertheless, I think that we can get this Bill marked up and reported out of committee.

As you know the House sent a a bill very similar to this over here two or three times, and the Senate never acted on it. This time they are waiting for us, and I can understand that. But, certainly, I will ask the Chairman of this committee to mark-up this bill at the earliest possible time so that we can get it resolved and get it over to the House and let them take such action as they will on it.

Senator McClure.

Senator MCCLURE. Thank you very much, Mr. Chairman. I appreciate your testimony and I am certainly in a position to appreciate the difficulty of settling an issue of this kind.

Senator BUMPERS. I think Idaho is the only state that has had more hearings than this one has.

Senator MCCLURE. And less resolution. Mr. Chairman, I have an opening statement I would like to place in the record at the appropriate place.

Senator BUMPERS. It will be admitted.

Senator MCCLURE. The statement deals with only with one question and that is the water rights language. I might just parenthetically note that we have, with respect to snowmobile use, we have attempted two or three times in Idaho and other legislation to establish snowmobile use within wilderness boundaries, and each time we have been rebuffed.

Frankly, I do not find it offensive to assume that snowmobile use is not incompatible. Senator Church and I tried to get a snowmobile trail in the Gossople Hump Wilderness in Idaho some years ago, in an area were there is little or no wildlife in the winter time and the snowmobile use has no residual effect on the summertime or spring and fall uses in that area. But we were nevertheless rebuffed as it being incompatible with use in the wilderness. Therefore, I would assume that you might have difficulty with that.

Senator REID. Senator McClure, what we did in this instance—this is for a very limited period of time each year. And it is the only way that they can get into the basin where they snowmobile, and it is limited—I think three months a year.

Senator MCCLURE. I understand. While I say it makes sense to me, we also wrestled with that in the pending Idaho Wilderness Bill. With the experience that we had had we exclude the snowmobile areas, and that is part of the reason they were excluded. Although they have very high wilderness values otherwise, there is a brief period of the year when they are used with mechanical conveyances.

The second question, a more serious one in my mind, is with respect to water rights language. I have said a number of times that I want each state to establish their own rules, but they ought to do what they are going to do with respect to the water rights question and make an explicit statement with respect to it.

But that is also with the expectation that that water rights language deals only with the state in question and does not have national implication.

If you have a copy of your bill in front of you, I would refer to the bottom of page 11 and the top of page 12, or if you have not, section 9(a)(4), which I think goes far beyond just setting what you desire.

Senator BRYAN. Senator, what was the section again on the bill?

Senator MCCLURE. 9(a)(4). It is at the bottom of page 11, top of page 12 of the bill. It makes a statement which is as a statement of fact but nevertheless is a statement of controversy with respect to whether or not there are rights that would be reserved by implication when areas are included in National Wilderness Preservation system. As I would understand it, that is not necessarily essential to your language.

Senator REID. We only care about Nevada.

Senator MCCLURE. And I think that is correct, and I appreciate that. It seems to me it extrapolates it into the field of national policy with respect to all of the states, a statement of fact which is perhaps not fact. That is whether or not there is reserved water right, that is the very heart of the controversy. One Federal circuit has one rule now under appeal, another Federal circuit has a different rule, not yet under appeal because it is not yet in the final order.

Senator REID. Could not that be handled by saying on page 12 National Wilderness Preservation system in Nevada, or words to that effect?

Senator MCCLURE. I think we could revise it to leave it neutral on the question of whether or not there is a reserved water right pertinent to wilderness, without implying that there is or is not.

Senator WIRTH. Would the senator yield?

Senator MCCLURE. Yes.

Senator WIRTH. I was wondering is that taken care of in their legislation on page 11 at the bottom, on line 21, line 20 and line 21, "This act is not intended to define the existence or scope of any express or implied reserved water right created or rising from any Federal legislation——

Senator MCCLURE. I think that deals with other legislation but not the central question of whether there is a further reservation because of the designation of wilderness, which is the very heart of the question, and I would object to that language. And perhaps we can work out something that is mutually acceptable.

Senator WIRTH. If the senator would further yield, if you can clarify for me why the language that they put in here does not solve the problem.

Senator MCCLURE. If that is correct then you would be fine just by striking subsection 4.

Senator BUMPERS. Senator McClure that is your real concern, subsection 4?

Senator MCCLURE. Yes, it is.

Senator BUMPERS. That is the in lieu of language? In lieu of language in section 4?

Senator MCCLURE. That is the primary concern I have. I might want to massage or look at the language in (a)(1), but I am adamantly opposed to the continuation of that language in (a)(4).

Senator BUMPERS. We have a gentleman here whose going to testify on this point this morning. Perhaps we can get in to that with him. I am quite sure we can resolve that.

Senator MCCLURE. But I have no desire to obstruct the efforts of the Nevada delegation to solve a problem which is a very difficult problem.

Senator BUMPERS. Senator Wirth.

Senator MCCLURE. Did you have further comment?

Senator REID. Other than to say we have tried to keep you, especially, advised as to progress we are making because you have indicated numerous times in the past if we could ever work something out on the delegation level over here that with the exception of the water situation, you felt that should move forward.

Senator BRYAN. The state engineer, Mr. Morros, I believe that is who the Chairman probably had reference to, is here with us today. And I would just say before he testifies—I have known Mr. Morros since the memory of man runneth not to the contrary, as we say out in Nevada, Mr. Chairman, and no one has——

Senator BUMPERS. We say that in Arkansas, too. [Laughter.]

Senator BRYAN. The two great states share common traditions, Mr. Chairman.

I would just say that Mr. Morros is an authority on this issue. No one has been more zealous in protecting the primacy of the state's water jurisdiction. And I would simply suggest that perhaps much of this colloquy might be directed to him because of his expertise.

Senator BUMPERS. Senator Wirth.

Senator WIRTH. Thank you very much, Mr. Chairman. I want to commend my colleagues Senator Reid and Senator Bryan, for putting together this, I just think, excellent piece of legislation.

I have only one central concern and that is the statement made by Senator Reid that he only cares about Nevada. You have such good water language in here that I wish your care would transcend not only to Nevada but spill over into other states, because I think that the language you have put together resolves so many issues.

Let me be very specific about that. I think the way in which you have separated out headwaters language from other language is precisely the way to do it. None of us knows how to take care of the downstream water problems. I mean, there are some very significant water rights issues there; you all recognize that in your legislation. I have tried to recognize that in our Colorado legislation. I think separating those two out and focusing just on the headwaters issues is exactly the right way to do it.

And I will look forward to reading—I am not going to be able to stay, but reading Peter Morros' testimony on this. As the state water engineer, and as the responsibility of the state water engineers he will know more about this than all the rest of us put together, I know. But I think the separation that you have done is just right, and I hope that we are able to move expeditiously.

One suggestion on the snowmobile issue raised by the Chairman, we ran into a similar kind of a situation when I did the Indian Peaks Wilderness question in Colorado about 10 years ago. And we ended up working with the snowmobile clubs and the four wheel drive people during the summertime and setting aside a kind of a recreation area. I do not know if this is a possibility, but we ran into that kind of a thorny question, and adjoining the wilderness area, we set aside a national recreation area, which was administered by BLM in fact. We expanded that for the snowmobile people. They were ecstatic, and it was my understanding that this had been the first time that four wheel drive clubs and snowmobile clubs had come in and testified positively for a piece of wilderness legislation. So that might be some way to work around this by looking at what might be a possibility in an adjoining area. I do not know the boundaries but that was one thing that we did that made it work very well.

Finally, I just wanted to note the issue of wilderness altogether. I think that you all in advocating this wilderness bill for Nevada are

clearly looking out for the economic well being of the state of Nevada.

We are noticing in Colorado that the more broadly one defines wilderness, the greater the attraction is for a more and more people who are coming in to the small community surrounding those wilderness areas, whose economies are increasingly generated by the activities of the people who are coming into that wilderness. Wilderness as an economic generator is becoming clearer and clearer. And we have got to learn to manage our public lands where they balance not only looking at the historic kind of extractive approaches that have characterized a lot of our public lands in the past but the more attractive sides of public lands as well, which draw lots of people in and are great for the motel businesses and the businesses, the small businesses in town, the gasoline stations. All of that area has become a major part of the economy in the state of Colorado and I am sure similar sort of thing is happening in Nevada. And I know you all have been looking out for that, and I think this is going to be an economic boon in Nevada as well.

Senator REID. Mr. Chairman, could I respond briefly?

Senator BUMPERS. Certainly.

Senator REID. I would tell the senator from Colorado, I did care a lot about Colorado until about two weeks ago when my daughter moved from Denver. She does not live there anymore, so I do not care. [Laughter.]

Senator BUMPERS. That is the way I feel about it, too.

Senator WIRTH. Did we drive her out, Senator Reid?

Senator REID. No you have been a big help to her.

On a more serious note, the reason that I talk about the water situation as I have is that, as I indicated in my testimony, all areas designated as wilderness in this bill have waters that originate within them rather than flowing into them from non-wilderness areas. There are a lot of problems in other states where the water flows in from other areas and that simply is not true on our bill.

Senator WIRTH. That is exactly the headwaters issue and that is just the way to do it, is to define those boundaries so you do not get water flowing in and flowing back out of the wilderness areas and I think that is precisely the kind of separation that is very useful to set. I think that probably solves your problem in Nevada and I hope that we can do the same sort of thing.

I hope we did not drive your daughter out, Senator Reid, by our inability to get a wilderness bill in Colorado.

Senator REID. That was one of the problems. [Laughter.]

Senator BUMPERS. I think it goes without saying that this committee has always given great deference to the wishes of the delegation, and it is refreshing where you have both senators in agreement. In talking about Colorado, I was chairman of the subcommittee back before 1980 and held Senator Hart and Senator Armstrong's hand for about a year until we had finally—I thought we had resolved it until Senator Wirth put in a bill the other day on Oh-Be Joyful. I will never forget Oh-Be Joyful.

Senator WIRTH. Have you ever been to Oh-Be Joyful?

Senator BUMPERS. No, and I have never had a really great desire to go. [Laughter.]

Senator WIRTH. It is a very beautiful place.

Senator BUMPERS. By the time I got through with Senator Hart and Senator Armstrong, I certainly had no desire to go there. But I think—thank you, gentlemen and Mrs. Vucanovich. Thank you for——

Senator MCCLURE. May I ask one more question? Because we are going to have to deal with this question of the snowmobile corridor. As you have looked at this, have any of you thought of a different solution or a different way in which we might approach it?

Mrs. VUCANOVICH. May I respond to that, Senator McClure? Of course, in my bill, I am designating the area that they talk about as a national recreation area, and I think that is a good solution it is part of my bill.

Senator MCCLURE. The entire area or just the corridor?

Mrs. VUCANOVICH. The entire area, but with the top as wilderness. And if that is not in my bill, we have talked about doing that and maybe put the top of Mount Rose as wilderness but to have the rest of it as national recreation area. It is used very heavily by people very close to Reno. It is a possibility.

Senator MCCLURE. I am sensitive to that kind of problem because it crops up. Governor Andrews and I eventually took one area of proposed wilderness and excluded it from wilderness boundaries because of snowmobile use, and we simply did not know any other way to handle it. And in another area, we modified the boundries for the snowmobile trail across the edge of the area rather than confront the problem. This appears to go through the center.

Senator REID. Well, it is a corridor that goes into the middle of it, yes.

Senator BUMPERS. We again thank you very much for being with us this morning.

Our next witness is George Leonard, Associate Chief, Forest Service, Department of Agriculture.

George?

STATEMENT OF GEORGE M. LEONARD, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. LEONARD. Mr. Chairman, I will ask that the entire statement be placed in the record.

Senator MCCLURE. Without objection, so ordered.

Mr. LEONARD. The Forest Service has done an extensive study of the lands in Nevada for their wilderness potential as part of the land and resource management planning process under the National Forest Management Act. The forest plan for the Humoldt and the Toiyabe National Forest are the basis for our recommendations. As you will see by my statement, we have some suggestions for revisions of boundaries and also four of wildernesses that are proposed in S.974 we believe could better be managed in a non-wilderness status. Nevertheless, we support the enactment of S.974, if amended generally along the lines that we suggest; and we would be very pleased to work with the committee on some of those boundary changes to put them on more recognizable locations and also to make it easier to manage. And if the committee elects to classify the Santa Rosa wilderness area, although we do not recom-

mend it, we would suggest that you change the name to Santa Rosa Peak to avoid the conflict with Santa Rosa wilderness in California.

We are——

Senator BUMPERS. George, let me interrupt you just a second. On the first point you made about the locations, are you saying the descriptions in the bill are in error or that you would like to make some changes in those for management purposes?

Mr. LEONARD. We would like to work with the committee to make some changes for management purposes. We recognize that we do not agree necessarily on some of the areas which would be included.

Senator BUMPERS. You are not talking about dramatic changes or anything. You are just talking about——

Mr. LEONARD. No. We would like to get them on recognizable boundaries so people can know whether they are in wilderness or not.

We also recognize that the question of release and sufficiency language has been a very difficult thing for the Congress to work with and that some years ago there was agreement on RARE II and release sufficiency language. However, since that time in Nevada, we have completed extensive land management plans for both national forests. And we would urge that the committee update the release and sufficiency language to reflect the study and the detailed environmental impact statements that went into the development of those land management plans. And again, we would be pleased to work with the committee on updating that language.

Mr. Chairman, we share your concern about the Mt. Rose snowmobile corridor. Snowmobile use in that area is simply in conflict with the basic Wilderness Act, and it would establish an undesirable precedent in our minds to include that in this legislation.

And then, finally, we do not oppose the gathering of climatological data within the wilderness. However, we would suggest that section 11 be amended to ensure that the installation and maintenance of data-gathering devices is conducted within existing regulations and in conformance with the overall Wilderness Act.

With those changes, the legislation would be very desirable. We think it is time to resolve the wilderness issue in Nevada. In our look at the area we find a number of the areas strongly warrant inclusion in the National Wilderness Preservation System and we support their addition.

I would be pleased to respond to any questions.

[The prepared statement of Mr. Leonard follows:]

STATEMENT OF
GEORGE M. LEONARD, ASSOCIATE CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Concerning S. 974

"Nevada Wilderness Protection Act of 1989"

July 24, 1989

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I appreciate the opportunity to testify for the Department of Agriculture regarding S. 974, a bill to designate certain lands in the State of Nevada as wilderness, and for other purposes. Of the 5.7 million acres of National Forest System lands in Nevada, only one area has been designated as wilderness. That is the 65,000-acre Jarbidge Wilderness.

The Forest Plans are the basis for our recommendations regarding this bill. The Department of Agriculture recommends enactment of S. 974, if amended to reflect the 412,400 acres recommended for wilderness in Forest Plans. Our recommendations include ten new wildernesses and an addition to the Jarbridge Wilderness.

We support the enactment of S. 974, if amended.

I would like to briefly address areas of particular concern to us.

Proposed Wilderness Areas and Boundaries

Significant differences occur between some of the boundaries proposed in S. 974 and our recommendations in the Forest Plans. With respect to the Jarbidge addition and the nine new wilderness areas we would like the opportunity to work with the subcommittee to consider alternative boundary locations that would improve our ability to manage these areas.

We do not recommend wilderness designation for those areas that are not recommended for wilderness in the Forest Plans; namely, Currant Mountain, Quinn Canyon, Table Mountain, and Santa Rosa. Our specific views on these areas are summarized in the attached supplemental statement that is attached to my testimony. I have also attached an acreage table comparing our wilderness recommendations with those of S. 974.

"Release" and "Sufficiency" Language

We think it is essential that the Congress resolve the uncertainty over future management of roadless areas within the National Forests in Nevada. Thus, we urge the subcommittee to carefully consider the "release" and "sufficiency" language in section 5.

"Release" and "sufficiency" are related, but separate, concepts. Release language provides a legislative declaration that lands not included by Congress in a wilderness, wilderness study area, or special management area shall be

managed for multiple-use values in accordance with the Forest plans. Sufficiency language provides a legislative declaration that the Forest Service review of wilderness issues is legally sufficient and not subject to judicial review.

The original "RARE II language"--like that in S. 974--was intended to remove the wilderness question from judicial review and to promote some certainty in resource management. However, since all of the Forest plans in Nevada have been completed, the RARE II language is moot, because the Forest plan recommendations supercede RARE II.

Retaining the RARE II language in National Forest wilderness legislation for Idaho might cause further litigation to determine the relationship of the RARE II language to the Forest plans, thus adding to the uncertainty over management of lands not designated as wilderness or another special category. Updating the RARE II language would help promote more certainty, but would not guarantee it. The updated language would more clearly spell out congressional intent, and thus be helpful in resolving both administrative appeals and litigation that might arise after enactment of S. 974 or similar legislation.

Therefore, Mr. Chairman, we recommend that the release and sufficiency language in this bill be updated to reflect that the Forest Land and Resource Management Plans--rather than the RARE II recommendations--provide the basis for congressional release and the congressional determination of sufficiency. We would like to work with the subcommittee in drafting suitable language to replace that now in section 5.

4

Grazing in Wilderness Areas

Section 6 reiterates certain provisions of the Wilderness Act and the grazing guidelines that were developed during the discussions on Colorado wilderness designations (P.L. 96-560). These guidelines were implemented nationally. Therefore, this reference is not needed.

Mt. Rose Snowmobile Corridor

Section 7 would permit the use of snowmobiles within the proposed Mt. Rose wilderness from January 1 to April 30. We strongly oppose this section, because it is in direct conflict with the Wilderness Act. Allowing the use of mechanized equipment within wilderness for recreational purposes would not be a good precedent to establish.

Prohibition of Buffer Zones

We support section 8 that would prohibit "buffer zones" around wilderness areas in the State of Nevada.

Water Allocation Authority

The Forest Service is responsible for assuring that the water and other resources on National Forest System lands are managed in accordance with applicable legal authority. This authority is derived from numerous statutes, including but not limited to: the Organic Act of 1897, the Organic Act of

1944, the Multiple-Use Sustained Yield Act of 1960, the Wilderness Act, the Federal Land Policy and Management Act of 1976, and the National Forest Management Act of 1976.

The Forest Service has several management mechanisms in place to protect water resources in accordance with our management responsibilities. These are: administrative control, appropriation of water rights under State water laws, reserved water right claims under Federal law, acquisition of land or water rights, and, finally, as a last resort, condemnation of lands or water rights.

We believe decisions involving Federal water rights in wildernesses should be handled on a case-by-case basis, and each wilderness designation should contain a clear expression of the intent of Congress with regard to the creation of such water rights. As presently drafted, section 9 provides specific direction and authority for the protection of the water resources of the areas to be designated. Because the wilderness areas designated by S. 974 are at the top of the watersheds and encompass the headwaters of the streams within them, we believe that the Federal reserved water rights created by section 9 for the protection of wilderness characteristics will not interfere with water rights and uses downstream from those areas.

State Fish and Wildlife Authority

We have no objection to section 10 that would clarify the jurisdiction of the State of Nevada with respect to the management of fish and wildlife in National Forests in Nevada.

Climatological Data Collection

We do not oppose the gathering of climatological data within wildernesses. However, we recommend that section 11 be amended to ensure that installation and maintenance of data-gathering devices is conducted within existing regulations and in conformance with the overall intent of the Wilderness Act.

Summary

In summary, we would support the enactment of S. 974 if amended to substantially conform to the recommendations in the Forest Plans for the Toiyabe and Humboldt National Forests. Amendments should also reflect our other recommendations in the attached supplemental statement.

I would be pleased to answer questions or provide additional information.

Comparison of National Forest Plans and Wilderness Bills for Nevada

101st Congress

Area Name	Forest Plan Recommend.	H.R. 2066 (Vucanovich)	S. 974 (Reid)	H.R. 2320 (Bilbray)	H.R. 2352 (Darden)
	ACRES				
Toiyabe NF					
Arc Dome	94,400	0	115,000	115,000	146,000
Alta Toquima	31,000	0	38,000	38,000	45,000
Mt. Charleston	42,500	32,000	43,000	43,000	47,000
Mt. Rose (1)	19,000	29,000 (NRA)	28,000	28,000	37,000
Table Mtn.	0	0	98,000	98,000	125,000
Toiyabe Crest	0	0	0	0	79,000
Excelsior (2)	0	0	0	0	122,000
(1) Includes 3000 ac -- in LTBMU					
(2) Includes lands on Inyo National Forest					
TOTAL	186,900	61,000 (29,000 NRA)	322,000	322,000	601,000
	NRA				
Humboldt NF					
Santa Rosa	0	0	31,000	31,000	80,000
Quinn Canyon	0	0	27,000	27,000	95,000
Mt. Moriah	60,700	71,000	82,000	82,000	98,000
Ruby Mtns.	67,900	0	90,000	90,000	143,000
Grant Range	43,100	0	50,000	50,000	60,000
Jarbidge Addition	26,400	20,000	48,500	48,500	54,000
East Humboldts	18,500	0	36,900	36,900	21,000
Currant Mtn.	0	0	36,000	36,000	49,000
Elk Mountain	0	0	0	0	12,600
Schell Peaks	0	0	0	0	120,000
S. Snake	0	0	0	0	42,000
TOTAL	216,600	91,000	401,400	401,400	774,600
Inyo NF					
Boundary Peak	8,900	8,900	10,000	10,000	23,000
TOTAL NEVADA	412,400	160,900	733,400	733,400	1,398,600

SUPPLEMENTAL STATEMENT
U.S. DEPARTMENT OF AGRICULTURE

S. 974, "Nevada Wilderness Protection Act of 1989"

Wilderness Areas Recommended for Deletion

Currant Mountain Wilderness (Section 2(4))

The Currant Mountain area was not recommended for wilderness in the Forest Plan due to the following reasons: much evidence of past activities by people; pine nut gathering activities by Native Americans and other recreation users, high mineral potential, and moderate wilderness qualities.

Quinn Canyon Wilderness (Section 2(8))

Quinn Canyon was not recommended for wilderness because of high mineral potential and an incomplete mineral inventory. There are over 900 mining claims staked in the area indicating a high potential for gold, silver, mercury, fluorspar, and molybdenum. Uranium and lead deposits have also been identified. Mineral potential exists throughout the area.

Table Mountain Wilderness (Section 2(11))

Table Mountain was not recommended for wilderness in the Forest Plan due to the intensity of ongoing and planned management programs which include wildlife habitat improvement projects. In addition to existing structures, there are plans to build more watershed stabilization structures and to use prescribed burning or mechanical methods for vegetation manipulation for wildlife habitat improvement. Examples of structures include: fenced enclosures, check dams, loose rock structures for sediment control, and stream improvements for fish habitat. Rocky Mountain elk were reintroduced into the Table Mountain area. The initial elk transplant consisted of 50 animals. The herd expanded rapidly to 300 animals. Prescribed fire and mechanical manipulation are both useful in managing aspen stands frequented by the elk. These activities are inconsistent with wilderness designation.

Santa Rosa Wilderness (Section 2(14))

The Santa Rosa area is characterized by low wilderness values and wilderness designation would conflict with an ongoing intensive range management program. There are many structural and nonstructural range improvements within the area that require maintenance. Although we do not recommend designation, if Congress decides to designate this area, we recommend that the name be change to "Santa Rosa Peak Wilderness." This would help avoid confusion with the existing "Santa Rosa Wilderness" on National Forest System lands in California.

Senator BUMPERS. Thank you.

Senator McClure.

Senator MCCLURE. You mentioned updating the standard release language. You have studied the provisions in the Idaho wilderness bill. Is that a suitable update?

Mr. LEONARD. I think so. That is the approach we would like to take.

Senator MCCLURE. You do not see that changing the existing release? It just updates it to the current legal status?

Mr. LEONARD. That is correct, to refer to the land management plan rather than the old RARE II study.

Senator MCCLURE. Do you have a suggestion on the snowmobile use?

Mr. LEONARD. We would exclude that corridor. You could give it some special status, but we think it should be excluded from Wilderness.

Senator MCCLURE. I am having a little trouble finding that on the map, but I will talk to the staff. The description in the bill is a little hard for me to find the corridor on the map. I have got a map of the Mount Rose, but I cannot locate the corridor on the map according to the description in the bill, but that is something we can do with staff.

I do not think I have any further questions.

Senator BUMPERS. George, does the Forest Service have any figures on how much snowmobile use there is now?

Mr. LEONARD. No, we do not. We can check. We can check with the forest and provide that data. But, again, our concern is the inconsistency with the solitude and other concepts of the Wilderness Act.

Senator BUMPERS. Senator Reid, do you or Senator Bryan have any questions of Mr. Leonard?

[No response.]

Senator BUMPERS. Thank you for being with us. When we negotiate on some of these changes, we will ask the Forest Service for their input.

Mr. LEONARD. We would be pleased to cooperate.

Senator BUMPERS. Our first panel of public witnesses consists of Peter Morros, State Water Engineer for the Department of Water Resources in Nevada, Roger Scholl, Sierra Club, Reno, Barbara Agonia, Friends of Nevada Wilderness, Las Vegas, and Dave Alberswerth, National Wildlife Federation. If you all will please come forward.

Let me reiterate again that we will ask you to limit your statements to no more than five minutes. We would be happy for you to summarize your statement if you feel comfortable doing that.

Mr. Morros, your name is first on my list, so would you please proceed.

STATEMENT OF PETER MORROS, NEVADA STATE WATER ENGINEER, DEPARTMENT OF WATER RESOURCES

Mr. MORROS. Thank you, Mr. Chairman.

Members of the committee, my name is Pete Morros. I am the State Engineer of the State of Nevada, and perhaps it will be help-

ful to indicate to the committee that the State Engineer's office has been in existence since 1905, and it is primarily responsible for the administration and enforcement of Nevada's very comprehensive water law.

I appear before you today to offer testimony specifically on section 9, water allocation authority of Senate bill S. 974, a bill to designate certain lands in the state of Nevada as wilderness and for other purposes.

I think it is important to note at the outset that it has been my longstanding position and continues to be my position that the state's authority and jurisdiction over our limited water resources must be protected.

I have in the past opposed and continue to oppose any attempt by federal agencies or other federal interests to usurp, impede or in any way adversely impact the state's jurisdiction and authority. The wilderness areas as proposed in Senate bill S. 974 are located in high elevation areas and any water sources existing in those areas or flowing from those areas are, for all practical purposes, fully appropriated.

The provisions of section 9 of Senate bill S. 974 provide specifically that the priority date of water rights reserved shall be the date of the enactment of this act. Water rights for wilderness purposes with this priority could not have any adverse effect on existing water right in the state of Nevada.

The act also provides for the filing of claims for the quantification of water rights and an appropriate stream adjudication. Such adjudication would be conducted under procedures set forth in the Nevada water line.

The State Engineer's office has specifically reviewed each of the wilderness areas designated in this act and has evaluated any potential impact on existing water rights. It is my opinion and conclusion that the provisions, criteria and conditions set forth under section 9 of Senate bill S. 974 adequately protect the authority and jurisdiction of the State of Nevada and rights established to use water arising on or flowing from areas proposed for wilderness designation.

I appreciate the opportunity to appear before the committee and would certainly respond to any questions.

Senator BUMPERS. Thank you.

Mr. Scholl.

STATEMENT OF ROGER SCHOLL, SIERRA CLUB

Mr. SCHOLL. Thank you, Chairman Bumpers, members of the Subcommittee.

I am Roger Scholl from Reno, Nevada, representing the Sierra Club with over half a million members nationwide and 2,000 members in the Toiyabe Chapter of Nevada. We support wilderness designation for 21 of the 110 roadless areas on the national forests of Nevada totaling 1.4 million acres.

During the last 19 years I have spent many weeks hiking in the areas, attending hearings, studying the wilderness issues and including participating in the helicopter tour in 1985 with Senator Reid and Congressman Bilbray.

While we would like to see 21 areas designated as wilderness, we recognize that Senator Reid's and Senator Bryan's S. 974 and Congressman Bilbray's H.R. 2320 are compromises that move a giant step in the right direction, and we commend them for taking this action.

Senator Reid, who just stepped out, deserves special recognition for taking on the issue in 1985 in our state.

In spite of our differences we believe that the subcommittee should take a close look, though, at making several improvements in the bill. You have already discussed the snowmobile corridor in the Mount Rose area. We believe that this must be removed, that it is a dangerous precedent since this sort of seasonal use corridor does not exist in any of the 450 units of the wilderness system.

It might help you to know that the corridor is also a bad idea from a land management standpoint in the particular location where it is. It crosses the 10,000 foot crest of the mountain range onto the remote west side, and it is in an area where the Forest Service would not like to encourage snowmobile use. It is used by a very small number of snowmobile users a few times each winter.

The entire mountain range around the Mount Rose wilderness is available for snowmobiling, and the Forest Service manages an intensive snowmobile use area just southeast of the proposal.

Congresswoman Vucanovich's NRA proposal would also not be good for snowmobiling in the area because she says that she would protect the core of the area as a nonmotorized use area. This is precisely the area that the snowmobile corridor bisects.

Second, S. 974 now strikes a compromise in the Ruby Mountains between protecting the really magnificent wilderness values and an ongoing commercial heli-ski operation. We believe, however, that the boundaries should be expanded to include in particular the heavily glaciated canyons of Sites Creek, Thomas Creek, Right Fork which provide the scenic backdrop to the developed Lamoille Canyon Road in the center of the range.

This is a portion of the roadless area that the Forest Service has traditionally always recommended as wilderness. It is included within the Ruby Mountains designated scenic area. They have only dropped their recommendation in the last forest plan as a result of pressure from the heli-ski operator. This addition would still allow heli-skiing in places such as Talbot and Thorpe Creek to the north.

The Forest Service has repeatedly reminded the permittee that heli-skiing in the Rubies was subject to wilderness designation in the roadless portions and that if it became wilderness, they would not be able to allow it to continue to operate. So, the heli-ski permittee has known from the beginning that he was operating in an area where part of his operation might be curtailed by wilderness designation.

The last major change the committee should look at is reinstalling—reinstituting the Ackler Basin portion of the East Humboldt wilderness. This has been included in all previous versions of the legislation.

Ackler Basin includes some of the most productive wildlife habitat in the state of Nevada, including Lahontan Cutthroat trout, a threatened species, raptor nesting, a large mule deer herd.

The area is in checkerboard ownership now, but recent private land acquisitions in Nevada, particularly in Lamoille Canyon south of this area have shown the viability of acquiring lands by purchase, and if we can include these lands in the wilderness, it will not affect their legal status for the landowner, but it will automatically raise their priority in the Forest Service for any available land and water conservation fund monies.

In addition to these three changes, the committee should take a close look at some of the big areas that are still lacking in the bill, too, such as the Schell Peaks, Excelsior Mountains and Toiyabe Crest.

The last thing I want to make a comment on is that many have charged S. 974 includes an excessive amount of wilderness, but these areas could be designated with almost no impact on non-wilderness users. The bill will remove from wilderness consideration almost three million acres and 90 roadless areas in addition to the lands that are already developed on the national forests.

In particular, opponents of wilderness charge that S. 974 will remove areas of high mineral potential. But, we really have to question the mineral potential of these 14 areas when we realize that no mines or developable minerals have been found in over 100 years of looking, and this is at a time when we are in the largest mining boom in the state's history, a mining boom that exceeds the California Gold Rush and is increasing yearly.

The protection of these areas to date has not affected the gold rush boom, nor will it affect it in the future. Not only are these areas unnecessary for gold production or other minerals, but the disturbance, the wide-scale open pit mining disturbance that is now taking place with the mining in other areas of the state makes it all the more crucial to protect this modest 1 percent of the state.

Thank you very much.

[The prepared statement of Mr. Scholl follows:]

SIERRA CLUB
408 C Street N.E., Washington, D.C. 20002 (202) 547-1141

Statement of Roger Scholl, Ph.D.
Representing the Sierra Club
Regarding S. 974
The Nevada Wilderness Protection Act
Before the Subcommittee on Public Lands, National Parks and Forests
United States Senate
July 24, 1989
Washington, D.C.

Mr. Chairman and Members of the Subcommittee:

I am Roger Scholl from Reno, Nevada, representing the Sierra Club with over half a million members throughout the United States and in particular the Toiyabe Chapter with over 2200 members. We support wilderness designation for 21 of the 110 National Forest roadless areas in Nevada, as outlined by the Friends of Nevada Wilderness.

During the last 19 years I have spent many days hiking in these areas and many more days studying the issues surrounding their protection as wilderness, as have many of our members. We have participated in all Forest Service wilderness studies from RARE I to the present. I have been Nevada Regional Representative of The Wilderness Society and served as Wilderness Committee Chairman of the Toiyabe Chapter for a number of years. I had the privilege of being the Nevada conservationists' representative on the 5-day Congressional helicopter tour of these areas in July, 1985. I have testified on all the

National Forest wilderness bills which were introduced in the last several Congresses.

As Senator Reid and the others on the tour could readily see each area is truly magnificent. Each has long been proposed as wilderness by the Toiyabe Chapter of the Sierra Club.

There is insufficient time today to reiterate the many wilderness values found in each of the 21 areas. Together they would make a truly significant addition to the Wilderness System, while protecting existing uses of each area. We are sure each of these treasures will be cherished as wilderness even more by future generations than they are by us today.

Senator Reid's and Senator Bryan's S. 974, joined by Representative Bilbray's H.R. 2320, is a major step in the right direction, and we commend them for their leadership on this issue. Senator Reid deserves special recognition for pioneering this legislation in 1985. This wilderness bill is an expression of his deep commitment to the land and future generations.

However, we believe that the Subcommittee can, and should, make some improvements in this legislation, the most important of which are outlined below. These improvements would greatly increase the wilderness values included, while still adding up to a very modest package and minimizing conflicts with other uses of the National Forests.

1. The snowmobile use corridor in the Mt. Rose proposal must be eliminated. This corridor sets a dangerous precedent, since it is our

understanding that none of the 450 units of the National Wilderness Preservation System have such a seasonal-use corridor. This corridor is also simply poor land management in this specific geographical location. The foot and horse trail in the corridor is not used by the general snowmobiling public, but only a few users on a few trips each winter. The proposed use corridor would cross the 10,000-foot crest of the mountain range to the remote west side through an area with unpredictable and often severe weather.

There is no lack of opportunities for snowmobile recreation around Mt. Rose. The entire Carson Range around the Mt. Rose wilderness is open to snowmobiles providing ample opportunities for this activity. The U. S. Forest Service, which does accommodate and manage extensive snowmobiling in the Tahoe Meadows area just southeast of the wilderness proposal, has opposed snowmobiling in the area of the corridor and they have recommended it as wilderness in the current Forest Plan. We were heartened by Chairman Bumper's statement at the August 6, 1987 hearing on Nevada Wilderness, that he would not vote for a bill that allows snowmobiling in a wilderness area. (Senate Hearing Record, page 79, August 6, 1987, Washington, D.C., S. Hrg. 100-324.)

2. S. 974 strikes a compromise between protecting the unparalleled scenic beauty of the Ruby Mountains and the commercial use of this area by a heli-ski operator. This is a finely-crafted boundary -- one which includes such critically important wilderness lands as Box and Kleckner Canyons while eliminating from wilderness the areas popular for heli-skiing.

The Ruby Mountains wilderness boundary in S. 974 should be expanded to

FORM APPROVED
OMB NO. 40-R3537

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

OUTFITTER - GUIDE APPLICATION

LAND OCCUPANCY—GRAZING
(Re: FSM 2713)

Do not write in this space - For Official Use Only

a. RECORD NO. (1-2)	b. REGION (3-4)	c. FOREST (5-6)
10	04	02
d. DISTRICT (7-8)	**e. USER NO. (9-12)**	**f. KIND OF USE (13-15)**
02	5154	153
g. STATE (16-17)	**h. COUNTY (18-20)**	**k. CARD NO. (21)**
32	007	1

A. APPLICATION SECTION *(To be completed by Applicant)*

I, CARL E. FISCHER *(Name)* of ALTA, UTAH 84070 *(Post Office Address and ZIP Code)*

do hereby apply for a permit to *(Check appropriate block(s))*: ☒ OCCUPY LAND HELICOPTER SKI

☐ GRAZE TRANSPORTATION LIVESTOCK, within the _____

National Forest at the locations and in the manner indicated below.

1. LAND USE

CAMPS Name / Location	PERIOD OF USE From / To	MAXIMUM USE (days)	IMPROVEMENTS
RUBY	12/1 - 6/30	80	None
INDEPENDENCE	12/1 - 6/30	20	None

2. I intend to provide transportation and guide service by use of: *(Check one)*
☐ MOTOR VEHICLE ☐ BOAT OR RAFT ☐ LIVESTOCK ☐ AIRCRAFT

3. GRAZING USE

LIVESTOCK Number / Kind	PERIOD OF USE From / To	MAXIMUM USE Animal Months	GRAZING ALLOTMENTS

I will graze no more than _____ head of stock on the range at any one time. Any number over that brought on the forest will be fed: *(Check proper blank)*
☐ IN CAMP ☐ OTHER *(Specify)*

APPLICANT'S SIGNATURE Carl E. Fischer DATE 12/79

DO NOT WRITE IN THIS SPACE FOR OFFICIAL USE ONLY

B. RECOMMENDATION SECTION *(To be completed by District Ranger)*:
Approve permit subject to the following clauses:
A-13, B-2, 4, 8, 10+31, E-4, X22, D-1, X-30, W, R, B-33+X-72, X-42, 47, -49, A-14 + B-14

NAME (Signature): Ken Pence TITLE DFR DATE 12/14/79

C. APPROVAL SECTION *(To be completed by Forest Supervisor)*:

CAMPS Name or number	PERIOD OF USE To	PERIOD OF USE From	MAXIMUM USE (days)	IMPROVEMENTS AUTHORIZED
Ruby Mountains	6/30/80	12/1/79	80	None
Independence Mtns.	6/30/80	12/1/79	20	None

LIVESTOCK Number / Kind	PERIOD OF USE To / From	MAXIMUM USE Animal Months	GRAZING ALLOTMENTS
NONE			

NAME (Signature): x Sally Armstrong TITLE Acting Forest Supervisor DATE 12/19/79

GPO 883-932

2700-21 (10/71)

include the heavily glaciated peaks, canyons and hanging valleys that form the primary scenic backdrop from the popular Lamoille Canyon road. This awesome portion of the Rubies is within the designated Ruby Mountain Scenic Area and has been recommended as wilderness by the Forest Service in all studies until the most recent Forest Plan when it was deleted due to pressure from the heli-ski operation. This addition can be made while still allowing the heli-ski operation to continue in other portions of the mountain range such as Talbot and Thorpe Creek. The annual permits from the Forest Service have always informed Ruby Mountain Heli-ski that some of their use was in a recommended wilderness and this use would cease if the wilderness were designated.

Long and Segunda Canyons should also be added to the wilderness. The old road up Long Canyon has been washed out and impassable for years. Accessible only by foot or horseback, Long and Segunda Canyons offer scenic landscapes reminiscent of developed Lamoille Canyon. These additions would add approximately 16,000 spectacular acres to the Ruby Mountains wilderness.

It is crucial to place the Ruby Mountains wilderness debate in the context of the history of wilderness proposals for this area. The Ruby Mountain Scenic Area was administratively established years ago by the Forest Service in recognition of the Rubies' unique beauty. Every Forest Service recommendation for wilderness encompassed the Scenic Area and the central crest of the range.

In 1977, the Forest Service issued a permit for heli-skiing in the Rubies. A review of the public record of this approval process reveals some disturbing facts. Initially, the permittee requested approval for helicopter

ski permits "for all of the area, Ruby Mountain Range and East Humbolt [sic] Range, excluding the Ruby Mountain Scenic Area . . ." (Letter from Carl Fischer dated December 28, 1976.) Without any environmental analysis or public involvement, the Forest Service authorized this activity "except in the following areas: 1. Ruby Mountain Scenic Area. 2. Ruby Mountain Wilderness Study Area." (Letter of February 16, 1977.) In November 1977, the Forest Service prepared and approved an Environmental Analysis Report (EAR) on the heli-ski operation within eight days (from 11/21/77 to 11/29/77) with no public notice or comment.

While the process and approval of this commercial, motorized activity in the Ruby Mountains was questionable from the outset, at least the prohibition on operating within the Scenic Area and recommended wilderness areas offered some balance. Since that time, the permittee has expanded his operations to include lands within the Scenic Area and recommended wilderness. This is unacceptable.

As the heli-ski operation has expanded, the Forest Service has abandoned long-held wilderness recommendations in the heart of the Ruby Range. The Forest Service has repeatedly reminded the permittee that helicopter skiing will no longer be allowed in areas designated as wilderness. In a letter to the permittee dated January 13, 1982, the Forest Supervisor wrote "In the event that the Ruby Mountains Roadless Area is designated a Wilderness Area by Congress, all of your helicopter operations within the area will cease and will no longer be allowed." Thus, Ruby Mountain Heli-Ski has been operating with the full knowledge that future wilderness designation may curtail some of their operations. They have knowingly and willingly assumed this risk.

Now we face a decision on the Rubies. In order to restore the balance between commercial, motorized winter recreation in the Ruby Mountains and pressing need for wilderness, we advocate the addition of the aforementioned wilderness lands to the S. 974 Ruby Mountain Wilderness.

3. The Ackler Basin portion of the East Humboldts should be reincluded in the wilderness as it was in all previous legislation. Ackler Basin includes some of the most productive wildlife habitat in Nevada with streams containing Lahontan Cutthroat Trout, extensive aspen groves providing excellent raptor nesting and a large mule deer population. The area is checkerboard ownership which the Forest Service has proposed consolidating in private ownership to facilitate a possible ski area and to gain National Forest ownership of lands elsewhere in the mountain range. This land exchange, which has been proposed for years, has been strongly opposed by the Nevada Department of Wildlife, local sportsmen and the state's environmental organizations. The Forest Service has proposed the exchange partly because of a belief that the acquisition of the lands by purchase was simply impossible. Recent acquisitions in Nevada, notably lands to be acquired in Lamoille Canyon in the Ruby Mountains by the Trust for Public Lands, make this alternative viable. The inclusion of private sections within the East Humboldt wilderness boundary would not change their legal status for the landowner. But, it would automatically raise their priority in the Forest Service for available Land and Water Conservation Fund monies on a willing seller basis and allow their automatic inclusion in the wilderness if they came into public ownership.

In addition to these improvements, the Committee should consider the wilderness merits of some of the Friends of Nevada Wilderness proposals not included in S. 974:

A. The Schell Peaks proposal in the mighty Schell Creek Range with the largest population of elk in Nevada, numerous trout streams, dense forests, and lush green meadows should be designated as Wilderness. The 120,000-acre Friends' proposal would be a magnificent area, protecting the scenic backdrop for the citizens of nearby Ely and others who come to this very popular range. A Schell Peaks Wilderness has twice passed the House of Representatives in 1985 and 1987. The 1987 House-passed Schell Peaks boundary of 83,000 acres excludes more than half the roadless area and all mining claims, while including all the high peaks and surrounding country in the core of the mountain range. Fears about the possible impact of a wilderness here on future developments in the town of Ely or the White Pine power project, either through Clean Air Act restrictions or buffer zones, are entirely without foundation.

B. The Excelsior Mountains was recommended to Congress for Wilderness designation by the Forest Service in RARE II after a detailed study of its wilderness values and potential developable resources, as well as extensive public involvement during which it received strong support. The outstanding wilderness values are still there. Archaeological evidence is the only sign that humans have ever traveled much of the mid-elevation 170,000 acres east of the Mono Lake Basin National Forest Scenic Area. Great solitude and remoteness can be found in the Excelsior's vast rolling woodlands, dry lake basins, and broken volcanic cliffs. No developable resources have been

discovered since the original recommendations. Apparently the area was dropped in the 1986 Forest Plan recommendations largely because the smaller California portion of this interstate area was dropped as a consequence of political compromise in the 1984 California Wilderness Act. The rationale that the area has high mineral potential is questionable since much is in fact rated low and there are few mining claims and no mines in the area. The claims which do exist are generally near the eastern boundary of the proposal and could be removed with minor adjustments, leaving a unique, pristine wilderness.

C. The Toiyabe Crest proposal containing some 30 miles of the popular Toiyabe Summit Trail, the spectacular cliffs of the Wild Granites, bighorn sheep and Lahontan cutthroat trout, is also worthy of inclusion in Committee recommended legislation. Our proposed wilderness boundary already excludes the great majority of the mining claims in the roadless area. Further reductions could eliminate more, while still protecting the Summit Trail and the other main wilderness features of the area.

D. Finally, there are four remaining areas which deserve wilderness protection. Elk Mountain, 12,575 acres at the Idaho border is excellent game country with an abundance of deer, antelope, and sage grouse. This area was included as a wilderness recommendation at the behest of Elko County sportsmen. The southern portion of the Ruby Mountains contains another wilderness gem, Pearl Peak. This high, remote area overlooks Ruby Lake National Wildlife Refuge and contains the only bristlecone pine stand in the Ruby Mountains. Across the California stateline from the Carson-Iceberg Wilderness, the Sweetwater Mountains' distinctive crest of multi-colored peaks

rise well above timberline between Wheeler Peak and Sweetwater Canyon. In eastern Nevada, surrounding the new Great Basin National Park are magnificent wildlands which were not included in the park. These South Snake Range lands are included in the Friends' wilderness proposal supported by the Sierra Club.

S. 974 was obviously crafted to be a compromise and we find the water rights language acceptable. These National Forest wilderness proposals in Nevada all include the summits of various mountain ranges with no water users upstream of the wilderness. Water rights in Nevada will simply be unaffected by this legislation.

While some witnesses today might charge that S. 974 includes an excessive amount of wilderness, a few facts place this bill in a different perspective. First, wilderness is where you find it, and there simply happen to be at least 14 outstanding de facto wilderness areas on Nevada's National Forests worthy of wilderness designation.

Second, and most important from the standpoint of balancing society's needs, is the fact that these areas can be designated with virtually no impact on existing non-wilderness uses. While S. 974 would designate 14 Wilderness areas totalling 733,400 acres, we do not as frequently hear that it would remove more than 90 roadless areas totalling almost 3 million acres from further wilderness consideration. Nor do we often hear that the 733,400 acres of wilderness would mean Nevada would have the least designated wilderness of any western state. All and all, S. 974 is a rather modest proposal.

We also often hear that S. 974 removes additional lands from mineral

entry. Yet Nevada has some 53.7 million acres available for mineral entry -- considerably more than any other western state except Alaska. And if S. 974 were enacted today along with every BLM wilderness recommendation, Nevada would still rank number one in lands available for mineral entry in the lower 48 states.

Finally, we hear that the most damaging impact of S. 974 stems from the fact that many of these particular areas have high mineral potential. This assertion raises several questions. First it is important to know that Nevada has produced many billions of dollars of minerals. Today we continue to produce roughly a billion dollars a year from several hundred active mines, and we are currently entering the greatest gold mining boom ever. Nevada's rapidly increasing gold production ranks us in the top several producing regions of the world. Developable minerals are clearly available in many places in Nevada. One has to question the mineral potential of the areas in S. 974 when one realizes these areas have no mines nor have any developable minerals been found after 100-plus years of looking, including the current boom. Not only are these areas unnecessary for mineral production, but the truly large-scale open-pit gold mining and land disturbance now taking place in Nevada make it all the more crucial to protect a modest 1% of the state in a natural condition.

We believe the presence of mining claims is probably a better measure of demonstrable interest in an area's mineral potential than rhetoric. Some of us in the Sierra Club have spent hundreds of hours during the last several years checking and mapping every mining claim in the 21 areas proposed by Friends of Nevada Wilderness. For a little perspective, one should know that

there are almost a half a million mining claims on Nevada's public lands, more than on the lands of any other state. They cover millions of acres. With minerals actually being produced from a much smaller area, it is obvious that the presence of mining claims is far from definitive evidence for the presence of developable minerals. It is also obvious that vast acreages are claimed in the vague hope that something might be there. One must assume that the claims that have been filed, no matter how speculative, have been located in the areas through to have the highest mineral potential based on all the available evidence. One must also assume, given the huge number of claims that do exist, that the absence of claims indicates areas not even worthy of much speculation.

Nevada is the midst of the largest gold rush in its history -- larger than the California Gold Rush. Protection of these wilderness areas has not and will not affect the boom. The boundaries of all of the proposed national forest wilderness areas are carefully drawn to exclude mineral conflict. There are astonishingly few mining claims in every one of the areas included in S. 974. Of the entire acreage in S. 974 only about 2.5% has been staked with mining claims. One could reasonably expect if these areas had serious mineral potential, the lands would be even more heavily-claimed than the statewide average of roughly 20%.

We thank you very much for this valued opportunity to speak on behalf of wilderness preservation for these magnificent wild areas.

Carl E. Fischer
3587 Doverhill Drive
Salt Lake City,
Utah, 84121

December 28, 1976

Mr. S. Nick Zufelt
U. S. Forest Service
Wells, Nevada , 89835

Dear Mr. Zufelt,

I am writing this letter to explain our proposed helicopter service in the Ruby Mountains.

We propose to start a final destination ski program. Our customers would arrive in Elko and stay a minimum of seven days. We would house, feed, and entertain them in Elko. This group would consist of approximately forty people and would be economically beneficial to Elko and surrounding areas. They would be transported to the mountains by charter buses.

Our qualified snow safety experts would set up a safety program. Slopes would be checked daily before skiing for hazzards of avalanche. etc.

Guests will be equipped with all the latest safety equipment, including Piepsi avalanche electronic finders. Guides will be equipped with two-way radios, probes, Piepsis, and other rescue and survival material. This might be a good time to emphasize the safety record of other helicopter programs. Helicopters have been utilized in the Wasatch for approximately thirteen years with no reportable accidents. It has been vastly improved in the last few years and it is our intention to meet or exceed their program of safety.

We feel the program is ideal for this area. It will conform with the policy of multi-use of federal lands. It will give the public a chance to use the Rubys without any permanent facilities to mar the beauty. We will fly to remote peaks and will leave nothing but beautiful tracks in the snow.

Perhaps a little background on myself might be pertinent. I am forty-eight years old and an avid powder snow skier. I have skiied the Wasatch for sixteen years and have used and guided on helicopters since their inception. I am an accredited guide from the Wasatch seminar on snow safety. I am retired from various businesses in the East and now would like to devote my time to building the best helicopter service available.

If I am granted this permit I would be guided strictly by any Forest Service regulations and would rigidly enforce any areas deemed closed by yourselves. We would like to use all of the area, Ruby Mountain Range and East Humbolt Range, excluding the Ruby Mountain Scenic Area. This is the area on the enclosed map and bound by the dotted line and labeled scenic area. This can be further detailed in meeting with yourself as to exact boundaries.

I assume present policies in other Forest Service areas as to exclusive use of the area for helicopter skiing, would be continued. To build a quality operation entails considerable expense and some protection is needed to prevent cut-rate operations with a resulting drop in safety precautions.

I will answer any questions that might arise. I am available at all times in person, or by phone.

Yours truly,

Carl E. Fischer

Carl E. Fischer

Phone: 801-943-1857

United States Department of Agriculture
Forest Service

OMB No. 40-R1405

SPECIAL USE APPLICATION AND REPORT

Ref: FSM 2712

FOREST SERVICE USE ONLY

a. Record no. (1-2)	b. [illegible] (3-4)	c. Forest (5-6)
70	24	09
d. District (7-8)	**e. User number (9-12)**	**f. Kind of use (13-15)**
02	5154	133
g. State (16-17)	**h. County (18-20)**	**k. Card No. (21)**
32	007	1

PART I - APPLICATION *(To be completed by applicant)*

Application is hereby made for a permit to use National Forest land as indicated below:

1. Description of land: *(Attach MAP or PLAT)*

All of Ruby Mountains National Forest, excluding Ruby Mountain Scenic Area as shown on enclosed map.

2. Purpose of use.

To provide the best helicopter service for public recreation, incorporating all the safety precautions. These include top notch snow safety experts, guides, and equipment.

3. Land Area applied for *(For Rights-of-Way show length and width and convert to acres; for other uses show acres)*

Length in: _____ (Miles) or _____ (Feet) × Width _____ (Feet) = _____ (Acres)

4. Improvements

a. Description

No improvements of a permanent nature will be made. We will provide a program that will not mar present beauty but will allow public recreation.

b. Plans attached ☐ Yes ☐ No. If "NO" show date plans will be furnished _____

c. Estimated cost	d. Construction will begin within	e. Construction will be completed within
$ _____	_____ (Months)	_____ (Months)

Date of Application	Applicants name and signature	Applicant's address
12-28-76	Carl E. Fischer Carl E Fischer	3587 Doverhill Drive Salt Lake City, Utah 84121 (ZIP Code)

(OVER)

2700-3 (7/71)

HUMBOLDT NATIONAL FOREST
Ruby Mountains Ranger District
Wells, Nevada 89835

2720 (2340)
February 16, 1977

Mr. Carl E. Fischer
3587 Dover Hill Drive
Salt Lake City, Utah 84121

Dear Mr. Fischer:

This letter authorizes you use of a helicopter, including making landings, in the Ruby Mountains-East Humboldt Range except in the following areas:

1. Ruby Mountain Scenic Area.

2. Ruby Mountain Wilderness Study Area.

These areas are on the enclosed map.

This permission is granted for preliminary evaluation of a helicopter ski area only, cannot be used in conjunction with any commercial purposes and will not be allowed after April 30, 1977. Please inform us immediately prior to each use.

why?

Sincerely,

DAN PENCE
District Forest Ranger

NZ/mf

cc: S.O.

REC'S HUMBOLDT N.F.
Copies Rec'd
Copies Sent Rgrs
Circular
FEB 17 '77

I can't see the rationale for the cut-off date - have asked the District to give reasoning
Jerry

FORM APPROVED
OMB NO. 40-R3937

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

OUTFITTER - GUIDE APPLICATION
Land Use - Ski Guiding
XXXXXXXXXXXXXXXXXX
(Re: FSM 2713)

Do not write in this space - For Official Use Only

a. RECORD NO. (1-2)	b. REGION (3-4)	c. FOREST (5-6)
7 0		
d. DISTRICT (7-8)	**e. USER NO. (9-12)**	**f. KIND OF USE (13-15)**
g. STATE (16-17)	**h. COUNTY (18-20)**	**i. CARD NO. (21)**
		1

A. APPLICATION SECTION *(To be completed by Applicant)*

I, Carl E. Fischer (Name) of 3587 Doverhill Dr., Salt Lake City Ut. 84121 (Post Office Address and ZIP Code)

do hereby apply for a permit to *(Check appropriate block(s))*: ☒ OCCUPY LAND

☐ GRAZE TRANSPORTATION LIVESTOCK, within the Humboldt National Forest at the locations and in the manner indicated below.

1. XXXXX XXX / CAMP USE: Ski Site

CAMPS Name / Location	PERIOD OF USE From	To	MAXIMUM USE (days)	IMPROVEMENTS
Ruby Mountains	12/1	6/30	80	None
Independence Range	"	"	20	None

2. I intend to provide transportation and guide service by use of: *(Check one)*
☐ MOTOR VEHICLE ☐ BOAT OR RAFT ☐ LIVESTOCK ☒ AIRCRAFT

3. GRAZING USE

LIVESTOCK Number / Kind	PERIOD OF USE From	To	MAXIMUM USE Animal Months	GRAZING ALLOTMENTS
None				

I will graze no more than _____ head of stock on the range at any one time. Any number over that brought on the forest will be fed: *(Check proper blank)*
☐ IN CAMP ☐ OTHER *(Specify)*

APPLICANT'S SIGNATURE Carl E. Fischer DATE 10/13/78

DO NOT WRITE IN THIS SPACE

B. RECOMMENDATION SECTION *(To be completed by District Ranger)*:
Approve permit using same clauses as previous permit A-13, B-2, 4, 8, 10, 31, E 4, X22, D1, X30, W, R, B-33 ~~X-72~~, X-42, ~~X47~~, X49 + A-14, B-14

NAME (Signature): [signature] TITLE DFR DATE 10/23/78

FOR OFFICIAL USE ONLY

C. APPROVAL SECTION *(To be completed by Forest Supervisor)*:

CAMPS Name or number	PERIOD OF USE To	From	MAXIMUM USE (days)	IMPROVEMENTS AUTHORIZED

LIVESTOCK Number / Kind	PERIOD OF USE To	From	MAXIMUM USE Animal Months	GRAZING ALLOTMENTS

NAME (Signature): TITLE DATE

GPO 919-694 2700-21 (10/71)

FORM APPROVED
OMB NO. 43-R3537

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

OUTFITTER - GUIDE APPLICATION

LAND OCCUPANCY–GRAZING
(Re: FSM 2713)

Do not write in this space - For Official Use Only

a. RECORD NO. (1-2)	b. REGION (3-4)	c. FOREST (5-6)
20	04	09
d. DISTRICT (7-8)	**e. USER NO. (9-12)**	**f. KIND OF USE (13-15)**
02	5154	153
g. STATE (16-17)	**h. COUNTY (18-20)**	**k. CARD NO. (21)**
52	007	1

A. APPLICATION SECTION *(To be completed by Applicant)*

I, Ruby Mt. Heli Ski Guides INC of Lamoille P.O. Box 1192
(Name) *(Post Office Address and ZIP Code)* 89828

do hereby apply for a permit to *(Check appropriate block(s))*: ☑ OCCUPY LAND Helicopter SC1178

☐ GRAZE TRANSPORTATION LIVESTOCK, within the _____

National Forest at the locations and in the manner indicated below.

1. LAND USE

CAMPS Name / Location	PERIOD OF USE From / To	MAXIMUM USE (days)	IMPROVEMENTS
Ruby	12/1 to 6/30/81	80	None
Independence	12/1 - 6/1881	20	None

2. I intend to provide transportation and guide service by use of: *(Check one)*

☐ MOTOR VEHICLE ☐ BOAT OR RAFT ☐ LIVESTOCK ☐ AIRCRAFT

3. GRAZING USE

LIVESTOCK Number / Kind	PERIOD OF USE From / To	MAXIMUM USE Animal Months	GRAZING ALLOTMENTS

I will graze no more than _____ head of stock on the range at any one time. Any number over that brought on the forest will be fed: *(Check proper blank)*

☐ IN CAMP ☐ OTHER *(Specify)* _____

APPLICANT'S SIGNATURE: Joseph W Rogers PMHSG INC — DATE: 11/25/80

DO NOT WRITE IN THIS SPACE FOR OFFICIAL USE ONLY

B. RECOMMENDATION SECTION *(To be completed by District Ranger)*:

Approve permit subject to the following clauses:

A-13, B-2,4,8,10,15, E-4, X-20, D-1, X-30, W, R, B-33, X-72, X-42, 47, 48

A-14 B-14

NAME (Signature): Don Hamel — TITLE: DFR — DATE: 11/25/80

C. APPROVAL SECTION *(To be completed by Forest Supervisor)*:

CAMPS Name or number	PERIOD OF USE To	From	MAXIMUM USE (days)	IMPROVEMENTS AUTHORIZED
Ruby Mountains	6/30/81	12/1/80	80	None
Independence Mtns.	6/30/81	12/1/80	20	None

LIVESTOCK Number / Kind	PERIOD OF USE To / From	MAXIMUM USE Animal Months	GRAZING ALLOTMENTS
NONE			

NAME (Signature): Jerry Dan — TITLE: Acting Forest Supervisor — DATE: 12/9/80

GPO 619-884

2700-21 (10/71)

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

OUTFITTER - GUIDE APPLICATION

LAND OCCUPANCY - GRAZING
(Re: FSM 2710)

OMB. NO 40-R3837

Do not write in this space - For Official Use Only

a. RECORD NO. (1-2)	b. REGION (3-4)	c. FOREST (5-6)
70	04	09
d. DISTRICT (7-8)	**e. USER NO. (9-12)**	**f. KIND OF USE (13-15)**
01 02	5154	15
g. STATE (16-17)	**h. COUNTY (18-20)**	**i. CARD NO. (21)**
32	007	1

This report is authorized by the Organic Act of 1897. No permit may be issued unless a completed form 2700-21 has been received.

A. APPLICATION SECTION *(To be completed by Applicant)*

I, Ruby Mountains Heli-Ski Guides Inc. (Name) of P.O. Box 1192, Lamoille, Nevada 89828 (Post Office Address and ZIP Code)

do hereby apply for a permit to *(Check appropriate block(s))*: ☐ OCCUPY LAND

☐ GRAZE TRANSPORTATION LIVESTOCK, within the _____

National Forest at the locations and in the manner indicated below.

1. LAND USE

CAMPS Name / Location	PERIOD OF USE From	To	MAXIMUM USE (days)	IMPROVEMENTS
Ruby mountain Range	2/1/82	5/1/82	100	none
Independence Mountain Rng	2/1/82	5/1/82	100	none

2. I intend to provide transportation and guide service by use of: *(Check one)*

☐ MOTOR VEHICLE ☐ BOAT OR RAFT ☐ LIVESTOCK ☐ AIRCRAFT

3. GRAZING USE

LIVESTOCK Number / Kind	PERIOD OF USE From	To	MAXIMUM USE Animal Months	GRAZING ALLOTMENTS

I will graze no more than _____ head of stock on the range at any one time. Any number over that brought on the forest will be fed: *(Check proper blank)*

☐ IN CAMP ☐ OTHER *(Specify)* _____

APPLICANT'S SIGNATURE	DATE
Joseph W Rogan RMSHG	12/2/81

B. RECOMMENDATION SECTION *(To be completed by District Ranger)*:

DO NOT WRITE IN THIS SPACE

Issue

NAME (Signature)	TITLE	DATE
Kim Ramos	DFA	12/7/81

C. APPROVAL SECTION *(To be completed by Forest Supervisor)*:

FOR OFFICIAL USE ONLY

CAMPS Name or number	PERIOD OF USE To / From	MAXIMUM USE (days)	IMPROVEMENTS AUTHORIZED

LIVESTOCK Number / Kind	PERIOD OF USE To / From	MAXIMUM USE Animal Months	GRAZING ALLOTMENTS

NAME (Signature)	TITLE	DATE
M Graves	B. J. Graves Forest Supervisor	JAN 12 1982

2700-21 (2/78)

Humboldt National Forest
976 Mountain City Highway
Elko, Nevada 89801

2720
December 16, 1980

Ruby Mtns. Heli-Ski Guides, Inc.
c/o Joseph W. Royer
P.O. Box 1192
Lamoille, NV 89828

Dear Mr. Royer:

Enclosed are three copies of Outfitter-Guide Special Use Permit for ski sites on the Ruby Mountains and Independence Range. Please sign all three copies and return to us for approval by the Forest Supervisor. An approved copy will be returned to you for your files. The permit is not valid until signed by the Forest Supervisor.

We note that your insurance policy expires on January 3, 1981. We will need a new policy covering your operation by the expiration date. We require the Forest Service be shown as additional insured and show a 30 day termination notice. We need to have a copy of your insurance policy on file in this office.

A snow study plot at Road's End in Lamoille Canyon and an anemometer installation on Snell Peak are authorized as uses inherent in your outfitter-guide permit. No additional permit is required but you are requested to work closely with District Ranger Dan Baird in their location, installation and site cleanup following removal.

The permit will continue to be issued on an annual basis pending the resolution of the Ruby Mountain Wilderness proposal before Congress. If the Wilderness proposal is formally classified, the permit must be amended to exclude the areas within Wilderness. At that time a longer tenure may be reconsidered.

Your safety plan has been reviewed by this office and the District Ranger. Mr. Baird will be in touch with you regarding minor updating needed to ready the safety plan for this year's operation.

Sincerely,

B. J. GRAVES
Forest Supervisor

Enclosures

JAD:gp

Humboldt National Forest
976 Mountain City Highway
Elko, Nevada 89801

2720
January 13, 1982

Ruby Mountains Heli-Ski Guide, Inc.
P.O. Box 1192
Lamoille, Nevada 89828

Dear Permittee:

Enclosed is your copy of the approved Outfitter-Guide Permit on the Humboldt National Forest. In the event that the Ruby Mountains Roadless Area is designated a Wilderness Area by Congress, all of your helicopter operations within the area will cease and will no longer be allowed.

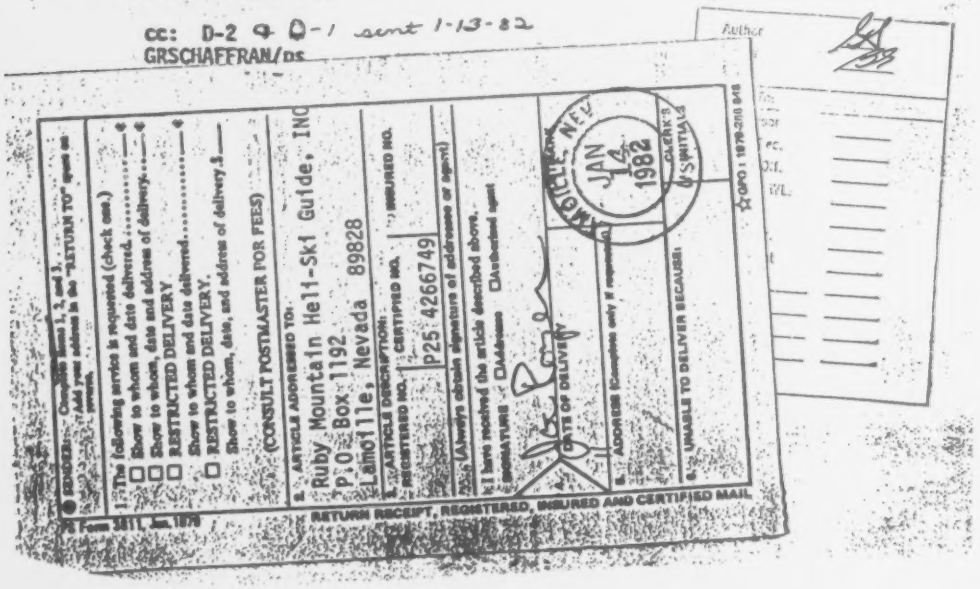
If you have any further questions regarding this permit, please feel free to contact Ranger Dan Baird at Wells, Nevada.

Sincerely,

B. J. Graves

B. J. GRAVES
Forest Supervisor

cc: D-2 & D-1 sent 1-13-82
GRSCHAEFFRAN/ds



Senator BUMPERS. Thank you.
Ms. Agonia.

STATEMENT OF BARBARA AGONIA, FRIENDS OF NEVADA WILDERNESS

Ms. AGONIA. Chairman Bumpers, I am Barbara Agonia of Las Vegas, Nevada, speaking today on behalf of Friends of Nevada Wilderness, a statewide coalition of 10,000 members organized in support of designating 21 national forest areas in Nevada's wilderness.

Thank you for holding what I fervently hope is the last hearing in the Senate on Nevada forest wilderness now under consideration. Years ago when the six southern Nevada clubs sent me to the steering committee Friends of Nevada Wilderness, we had no idea anyone would object to preserving a tiny 2 percent of Nevada's total land area and today although we are discussing a bill which proposes much smaller acreages, Senators Reid and Bryan and Representative Bilbray are commended to having brought unanimity to our state at long last.

We wish to thank Senator Harry Reid for his pursuit of designated wilderness for Nevada. He has listened again and again to every position imaginable, and this bill reflects compromise with all of those positions.

Now, those of us who live in Nevada see our state growing at a phenomenal rate, and we rejoice at the economic benefits of that growth. However, we also recognize that growth can have devastating effects on the environment and the landscape. With careful planning we hope to avoid these disastrous effects. A strong wilderness designation is part of that planning. As we designate wilderness, we also release land to other uses. In fact, many of those who have opposed wilderness will, indeed, profit from that designation because mining, ranching, mineral exploration and various private enterprises will be able to vie for those released lands.

In the past we have pleaded that wilderness in Nevada be designated so that the exquisitely beautiful mountains of our state could remain in their breathtaking splendor. The generations of Nevada's future deserve these islands of natural beauty where they can seek silence and peace and renewal when their pressing lives call out for relief.

Today, however, there is a new message. All of America is frightened about its environment. Your constituents, I am certain, are expressing their fear to you and seeking measures that just might help this planet survive a little bit longer. We pour money and expertise into other nations to help them preserve forests and sensitive areas. Our citizens plant trees and shrubs on top of urban rooftops and communities dedicate new groves of trees to help control pollution. In short, we now critically need wilderness in Nevada as one small means of keeping our state livable. I wish beauty were the only issue before us. Unfortunately we are now also talking about survival.

Some who oppose wilderness would seek any means possible to delay the legislative process and thus deny us a wilderness bill. And one of these is a request for further hearings. You have heard the recent editorials from both Las Vegas and Reno, and I will not

repeat them except to say that obstruction of passage such as further hearings would be untenable.

I would like to introduce with my testimony 11 written statements from others, and I believe there are some arriving by mail. This was kind of rushed, but we are glad it is happening.

Finally, to reiterate some of the things that Dr. Scholl said, as you look at the provisions of S. 974, we do ask you to consider three important changes, and the first would be to delete that snowmobile corridor in Mount Rose. We just feel that that is incompatible with wilderness.

And, secondly, we ask that Ackler Basin be added to the East Humboldt Wilderness. That is just such an important wildlife area that it seems a shame to ignore it.

And, third, although we really understand that as S. 974 seeks to strike a balance between wilderness and motorized recreation, we do believe that in the case of the Ruby Mountains, the bill errs on the side of the latter, and we urge instead of the boundary in S. 974 for the Ruby Mountains that the Ruby Mountain acreage be designated at the earlier Friends of Nevada Wilderness proposal of 143,000 acres, which I think you have on record, I am sure.

Senator Bumpers, members of the committee, we Nevadans are placing our hope of a settlement of Nevada wilderness in your hands. Our Senators have given a bill that with some improvement will allow Nevada to have adequate wilderness, to have other lands released for multiple use, to have at least a little security about environmentally protected forest areas, and for heaven sakes will allow all of us to get on with other important issues. We ask you to act in our behalf as expeditiously as possible, and we thank you very much.

[The prepared statement of Ms. Agonia follows:]

FRIENDS OF NEVADA WILDERNESS

P.O. Box 19777 Las Vegas, Nevada 89132 (702) 384-1890
P.O. Box 8096 Reno, Nevada 89507 (702) 322-2867

Statement of Barbara Agonia
Representing Friends of Nevada Wilderness
Before the Subcommittee on Public Lands, National Forests and Parks
on S. 974, the Nevada Wilderness Protect Act
July 24, 1989
Washington, D.C.

Mr. Chairman and Members of the Subcommittee:

My name is Barbara Agonia of Las Vegas, Nevada. I am speaking today on behalf of the Friends of Nevada Wilderness, a statewide coalition organized in support of designating 21 national forest areas in Nevada as wilderness. Thank you for allowing me to speak at what I fervently hope is the last hearing in the Senate on Nevada Forest Wilderness now under consideration.

Six years ago, when I was selected to represent the six Southern Nevada clubs of Soroptimist International on the Steering Committee of Friends of Nevada Wilderness, I was certain my assignment would be completed in a matter of months. I had no idea anyone would object to designating as wilderness a mere 1.4 million acres, or, to put it in simpler terms, a tiny 2% of Nevada's total land area. Today we are discussing a Bill which proposes much smaller acreage. Senators Reid and Bryan and Representative Bilbray are to be commended for having brought unanimity to our State at long last. We wish to publicly thank Senator Harry Reid for his courage, foresight, and persistance

in pursuing the designation of wilderness for the State of Nevada. Senator Reid has listened again and again to every position imaginable, and this bill reflects compromise with all of those positions. We are, of course, disappointed that S. 974 has excluded several areas which we consider to be prime wilderness, and we would very much like to see those areas included in the Bill.

Friends of Nevada Wilderness grew up out of a grassroots desire to protect at least 21 pristine areas of Nevada for posterity. Those of use who live in Nevada see our State's population growing at a phenomenal rate, and we rejoice at the economic benefits of that growth. However, we also recognize that similar growth in other States has often, without conscious intent to do harm, had devastating effects on the environment and the landscape. By planning carefully for the future, we hope to avoid these disastrous effects of growth. A strong wilderness designation is part of that planning. As we designate wilderness, we also release wilderness study areas to other uses. In fact, many of those who have opposed wilderness designation will, indeed, profit from that designation, because the mining, ranching, mineral exploration, and various private enterprises will be able to vie for those released lands. It is time to move ahead, time to designate wilderness, time to release the remaining areas from this study status.

In the past we have pleaded that wilderness in Nevada be designated so that the exquisitely beautiful mountains of our State could remain in their breath-taking splendor. The streams and cataracts, the groves and meadows, the

wildlife and wild flowers must somehow have a guaranteed future in Nevada. The generations of Nevada's future must have these islands of natural beauty where they can learn, even minutely, the lessons of silence and peace and renewal when their pressings lives call out for relief. They need to have some sense of their history as it is recorded in these mountaintop textbooks. Today, however, there is a new message. All of America is frightened about its environment. You are aware from your constituents, I am certain, that citizens are expressing their fear in demands for environmental controls, in requests for information, and, very importantly, in personal actions which just might help this planet to survive a little bit longer. We are pouring money and expertise into other nations to help them preserve rain forests and other heavily treed areas. Our own citizens are planting trees and shrubs on their urban rooftops. Communities all over this country have dedicated new groves of trees to help control pollution. Other states are seeking millions of acres of land in wilderness designation. In short, we now critically need a large wilderness in Nevada as one small means of keeping our state livable. I would prefer to be idealistic, rather than pragmatic. I wish beauty were the only issue before us. I wish we were talking only about recreational options. Unfortunately, we are now talking about survival. We are at war, and the enemy is ourselves.

There are those who oppose wilderness and would seek any means possible to delay the legislative process and thus deny Nevada a Wilderness Bill. One of the tactics for delay is to request further hearings. Recent editorials from Reno and Las Vegas urge the passage of a Nevada wilderness bill as soon as

possible. The LAS VEGAS REVIEW JOURNAL, in an editorial reviewing the history of wilderness legislation in our State, urges an end to any obstruction to passage, such as further hearing, and to "preserve a small fraction of ... land in its basically untrammeled state by enacting the ... wilderness bill this year in Congress." The RENO GAZETTE-JOURNAL, having supported a minimum 1.4 million acre wilderness package, also urges quick action in this session of Congress. Calling the proposal "small but distinguished," the editors go on to say that anti-wilderness forces hope for delay in the form of additional hearings, but "The die is cast.... It's time for Congress to act."

Certainly there can be very little, if anything, left to say. We have had six official Congressional hearings throughout Nevada. Today marks the fourth hearing in Washington, D.C. That makes a total of ten Congressional hearings on this single issue. We have had town meetings, conferences, television debates, radio discussions, editorials and responses in the print media - all too numerous to count. We already know that the official record on Nevada Wilderness is one of the longest and most exhaustive of any wilderness bill in the adjacent forty-eight states.

As I speak to you today for Friends of Nevada Wilderness, I have the heavy responsibility of representing over ten thousand Nevadans. These individuals and their organizations, agencies, and businesses are committed to 1.4 million acres of designated wilderness in our State. I bring with me today eleven other written statements, including those from the mayor of Reno, Soroptimist, Nevada Wildlife Association, and the League of Women Voters. I would ask that

these, plus those which will be arriving by mail, be entered into the record. Also appended to my statement are several documents which will add to these comments.

At least five major polls have been conducted in Nevada by reputable polling groups. Each of the polls showed the serious concerns of Nevadans on issues related to environment. The three which dealt extensively with the wilderness issue showed strong support for Wilderness. This year the Nevada Wildlife Federation asked 18,000 hunters and fishermen if "the slow progress in designating suitable Forest Service lands as wilderness and releasing unsuitable land for other purposes is hurting all Nevadans." Sixty-eight percent agreed. In 1986, Market Systems Research, Inc. conducted a statewide poll for the Nevada Division of State Parks. Seventy-four percent supported "setting aside designated wilderness areas in Nevada -- that is, scenic areas that are protected from development and also protected from access by motorized vehicles," and 90% said it was important to "set aside unique or natural areas." Polls conducted by each of the State universities showed that Nevadans rank environment, education, and protection of the State's wildlife as their highest priorities. All of this simply serves to indicate the overwhelming support of Nevadans for a strong wilderness bill.

As you look at the provisions of S. 974, we ask you to consider three important changes. First, we ask you to delete the snowmobile corridor in the Mount Rose area. Snowmobiles used recreationally in wilderness is incompatible with the Wilderness Act of 1964, and the practice has never been

allowed in wilderness. Second, we ask that Ackler Basin be added to the East Humboldt Wilderness. Ackler Basin has twice been included in the bills that have passed the House. We believe the area is deserving of wilderness status, since it is recognized for its prime wildlife values and is one of the top wildlife areas in the State. Third, although we understand that S. 974 seeks to strike a balance between wilderness and motorized recreation, we believe that in the case of the Ruby Mountains, the Bill errs on the side of the latter. We urge, instead of the boundary in S. 974 for the Ruby Mountains, that the Ruby Mountain acreage be designated at the earlier Friends of Nevada Wilderness proposal of 143,000 acres.

Senator Bumpers and Members of the Subcommittee, we Nevadans are placing our hope of a settlement of the Nevada Wilderness in your hands. Our two Senators have given you a bill that, with some improvement, will allow Nevada to have wilderness, to have other lands released for multiple use, to have at least a little security about environmentally-protected forest areas, and will allow us all to get on with other important issues. We ask you to act in our behalf as expeditiously as possible. Thank you.

Reno Gazette-Journal
Founded 1870
Friday, July 14, 1989 — 19A

It's time to get busy on wilderness plan

The Nevada wilderness package, whittled down from 5 million acres to 750,000 acres through years of research, study and negotiation, is once again bogged down on Capitol Hill.

It has been argued here, more than once, that 1.4 million acres would have been the best minimum package for wilderness preservation in principal landmark areas in all parts of Nevada.

It was true then and it's true now, but the latest agreement answers most of the Sierra Club's concerns for protecting the state's most important wilderness features. And the compromise package suits all but the most hard-nosed of the pro-multiple use factions. Their wilderness package of 132,000 acres, proposed by Rep. Barbara Vucanovich, borders on the ludicrous and was generally ignored when negotiations did take place.

With the present wilderness package, the roll call of new wilderness areas is small but distinguished: Boundary Peak, the highest point in Nevada; Jarbidge Wilderness, Nevada's only existing wilderness area; Mt. Charleston, near Las Vegas; Mt. Moriah, near Ely; Arc Dome and Table Mountain, in central Nevada; the Ruby Mountains, in Elko County; the Santa Rosas, near Winnemucca; Quinn Canyon, in south-central Nevada and Mount Rose, right here in Washoe County.

The die has been cast, but the anti-wilderness forces are reading the delay as an opportunity to reopen debate. It's time for Congress to act. Pass the Nevada Wilderness Bill in its present form.

10B/Las Vegas Review-Journal/Thursday, July 13, 1989

Opinion

Stalling tactics on Nevada wilderness

So, Rep. Barbara Vucanovich and a recently formed pressure group called the Nevada Sportsmen & Outdoorsmen Association figure we need another round of public hearings on the Nevada wilderness issue.

That's unadulterated nonsense. The wilderness issue has been discussed ad infinitum — in countless public hearings, numerous press articles, on TV, on talk radio, in community forums and in Congress — for six long years now. Six years, and still Vucanovich and friends perceive a need for yet more public hearings? Come on. We don't mean to be crass, but anyone who doesn't know by now the basics about the wilderness issue either doesn't give a hang one way or the other or doesn't deserve further consideration.

We doubt very much whether Vucanovich really sees a need for more public hearings. What she's really doing by proposing this new round of public hearings is seeking to further stall the process.

For years, Vucanovich — who is now the lone wilderness opponent in the Nevada congressional delegation -- has been clinging to her piddling proposal for 132,000 acres of wilderness for Nevada. She had been allied with Sen. Chic Hecht on this issue, and between them they managed to shoot down every meaningful Nevada wilderness bill introduced in Congress. Now with Hecht out of the picture, Vucanovich is outnumbered 3-to-1, with the other members of the Nevada delegation (Sens. Harry Reid and Richard Bryan and Rep. James Bilbray) backing a 733,400 acre bill. Apparently, Vucanovich views these proposed public hearings as an obstructionist vehicle for delaying consideration of the wilderness issue in Congress.

For those few among you who still do not know what federally protected wilderness is, here's a short course:

On wilderness lands, hunting, camping, fishing, hiking, horseback riding and man-powered boating would be allowed. Motor vehicles — dirt bikes, dune buggies, ATVs and the like — would be prohibited, as would new mining claims, commercial timber operations, new roads or non-wilderness-oriented commercial ventures.

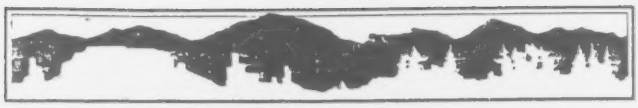
In brief, wilderness would be preserved in its natural, wild state — a place free of machines and other gross evidence of civilization's presence — for present and future generations.

The wilderness lands that would be set aside in Nevada under the 733,000-acre Democratic bill include some of the most remote, forested regions of this immense state, much of it in the seldom-visited central mountain ranges in the Toiyabe and Humbolt national forests.

The acreage envisioned in this bill is tiny in comparison to the vast expanses of mostly vacant land that exist in this thinly populated state. There still would be many tens of thousands of square miles of multiple-use land controlled by the Forest Service and Bureau of Land Management, plus the many fine state parks, wildlife refuges and the Great Basin National Park.

There is an abundance of land in this state — land available for many uses. Let's preserve a small fraction of that land in its basically untrammeled state by enacting the Democratic wilderness bill this year in Congress.

Vucanovich ought to step aside on this issue, quit listening to the extractive industries and those off-roaders who want to plow their vehicles into even the most pristine areas of this state, and drop her obstructionist tactics.



FRIENDS OF NEVADA WILDERNESS

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NEVADA'S PROPOSED WILDERNESS AREAS

ALTA TOQUIMA (MT. JEFFERSON) Toiyabe National Forest
Nye County

FRIENDS OF NEVADA WILDERNESS SUPPORTS: 45,000 acre wilderness

The massive summit of Mt. Jefferson is the crown of the Toquima Range. This isolated summit reaches almost 12,000 feet. The uniqueness of the area is reflected in the scientific interest the area has attracted. More than a century ago, John Muir tramped its cirque-notched slopes and confirmed the role of glaciers in shaping Great Basin mountains. More recently it was designated by the Forest Service as a Research Natural Area for the study of alpine plants.

In 1984, the largest Shoshone encampment in Nevada prehistory--Alta Toquima--was discovered by anthropologists just below the peak itself. It is the highest Native American habitation site known and has already shown that the natives hunted bighorn sheep and collected limber pine nuts as well as those of the pinyon pine.

ARC DOME Toiyabe National Forest
Nye County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 146,000 acres

The Toiyabe Range is the backbone of central Nevada. To the Shoshone Indians, these are the Biatoyavi or Big Mountains. To ranchers whose livelihood has been based for three-quarters of a century on grazing in the

high mountains each summer, the green-mantled Toiyabes are the "island in the sky." They rise over six thousand feet above the desert valleys and, because of their 25-inch annual rainfall, have numerous trout streams lined with cottonwood, willow, aspen, birch and maple.

Wilderness adverturers can stand on rims of spectacular glacial cirques looking into aspen-filed basins a half-mile below. The Reese and North and South Twin Rivers, having their sources near the glaciated summits of Arc Dome, provide dependable water to support wildlife including mountain lion and bighorn sheep. Eighteen other creeks are included in the proposed wilderness.

Fishing and hunting are excellent in this area, attracting recreationists from all parts of Nevada. Gentle trails winding along the creeks connect with the Toiyabe Crest Trail which follows the high country of the range.

BOUNDARY PEAK — Inyo National Forest
Esmeralda, Mineral Counties

FRIENDS OF NEVADA WILDERNESS SUPPORT: 23,000 acres in Nevada

At the north end of the White Mountains, Boundary Peak rises to 13,145 feet. This is the highest point in Nevada. South across the California state line an immense granite crest sweeps out--the dry, cold wilderness of the nation's highest desert mountains.

The California portion of Boundary Peak was left in "further planning" by the 1984 California Wilderness Act. From the high summits of this granitic range, alternate vistas of valleys and ranges recede toward the east, while looking west it appears as if one could reach out and touch the Sierra Crest. Winter brings dense snow to the northern part of the White Mountains, and these lingering snows prolong spring through August on the fragile, tundra-covered expanses of Pellasier Flats below the peaks.

CURRANT MOUNTAIN — Humboldt National Forest
White Pine/Nye Counties

FRIENDS OF NEVADA WILDERNESS SUPPORT: 49,000 acres

The peak of the White Pine range, headwaters of the White River, is 11,500-foot Currant Mountain. The proposed wilderness also includes

Duckwater Peak, 11,200 feet. This is an incredibly scenic area: the crest of the range is formed of tremendous white limestone cliffs with beautifully layered strata that gleam in the sun.

This area demands determined explorers, as there are no perennial streams (due to the limestone geology) and no springs near the summit. For this reason, much of the area sees few hunters or other recreationists. The lack of water also limits livestock use of the area, though bighorn sheep live here. The western part of the range is part of the Monte Cristo Wild Horse Territory.

There are extensive stands of pinyon pine on the lower western slope of the area, and the Duckwater Shoshone harvest pine nuts here. Above about 9,000 feet elevation on north- and east-facing exposures are beautiful conifer forests of white fir, limber pine, bristlecone pine, and scattered ponderosa pines. Still higher is a subalpine bristlecone forest, mostly composed of young, vigorous trees quite unlike the popular image of the species. On exposed crests are older bristlecones, gnarled and sculpted by centuries of wind and weather. Currant bushes are, as the area's name implies, found on the crest.

EAST HUMBOLDT RANGE

Humboldt National Forest
Elko County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 41,760 acres

The East Humboldts are a northern extension of the Ruby Mountains. While they contain some of the most dramatic alpine scenery in Nevada, a nearly complete lack of public access has prevented much recreation use in the past. In 1982 the Forest Service acquired trail access for foot and horse traffic only into the south end of the area, near Stephens Creek.

Now visitors can enjoy fishing in a half dozen trout streams, camping by small glacial lakes, the chance to glimpse a mountain goat, rockclimbing on spectacular ridges, or visiting 11,306 foot Hole-in-the-Mountain peak (and, of course, stand in the hole that pierces the peak). All this in a setting of heavily glaciated peaks, cliffs, talus slopes, and U-shaped canyons with groves of limber pines and aspens, and high meadows carpeted with wildflowers.

ELK MOUNTAIN

Humboldt National Forest
Elko County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 12,600 acres

The Elk Mountain area lies approximately 65 miles north of Wells, Nevada adjacent to the Idaho-Nevada border and nine miles to the northeast of the Jarbidge Wilderness. It is within the Intermountain sagebrush/sagebrush steppe ecosystem, with elevations ranging from 6500 feet on the west to 8800 feet on the east. It is a popular area for big game and upland game bird hunting, and was recommended for wilderness designation by several Elko County sportsmen during the July, 1985 Congressional field trip.

EXCELSIOR MOUNTAINS

Toiyabe National Forest
Mineral County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 122,000 acres

From the vast rolling landscape of the proposed Excelsior Wilderness, one looks out at ranges twice as high--the White Mountains to the south and the Sierra Nevada to the west. The Excelsiors overlook the Mono Basin National Forest Scenic Area, with Mono Lake at its center.

The Excelsior Range is not the high, alpine ridge country typical of many of the other Nevada wilderness proposals. It is a jumbled, complex landscape of branching ridges, rambling rock ledges, pinyon-juniper woodlands, and startling basins of evanescent lakes.

The Excelsiors have been little touched or explored by modern man. Archaeological evidence is the only sign that humans have ever traveled much of the region. The lack of surface water and developable resources have kept a remarkably large area wild and pristine. Today's visitor sees an untouched Great Basin environment: dense pinyon and juniper woodlands, many small dry lake basins, and native grasses and flowers undisturbed by livestock grazing.

GRANT RANGE

Humboldt National Forest
Nye County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 60,000 acres

Within the grandeur of cliff-girdled peaks, the Grant Range contains a natural storehouse of over 200 species of wildflowers, including a rare Nevada primrose, more than a dozen tree species, and both mule deer and bighorn sheep.

The visitor can enjoy this wilderness at any level of physical involvement. But the hiker who reaches the summit of 11,298 foot Troy Peak has indeed met the tests of route finding and endurance, with rewards of grand vistas and the exquisite subtleties of rock shape and form.

JARBIDGE WILDERNESS ADDITIONS — Humboldt National Forest
Elko County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 54,000 acres.

Surrounding Nevada's only designated wilderness area are proposed wilderness additions, including the wild and overgrown drainages of Fox and Pine Creeks, and the "pointed fir" country leading up to the peaks themselves. This area is unique in Nevada because it straddles the divide between the Great Basin province and the plateau and deep canyon country of the Snake River drainage.

The Jarbidge Wilderness itself contains the lofty heights of this beautiful area. The additions include the surrounding peaks, tablelands, canyon, and forests needed to complement the central peaks and protect wildlife habitats.

Guides and outfitting businesses bring visitors up pack trails for hunting, trout fishing, and field study classes. In 1984, the Sierra Club worked with a local rancher to urge the Forest Service not to allow construction of new roads into the area.

MT. CHARLESTON — Toiyabe National Forest
Clark County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 47,000 acres

The Spring Mountain Range--fourth highest in the state--is less than an hour's drive northwest of Las Vegas. Here spectacular 11,918 foot Mt. Charleston towers a remarkable 10,000 feet above the sprawling city. The rise above the surrounding land is greater than for any other mountain range in Nevada.

Mt. Charleston provides a startling contrast to and escape from the noise, lights, and oppressive summer heat of Las Vegas. Much of the range is densely covered with relict pleistocene forests of ponderosa and bristlecone pines, and firs--survivors of the wetter and colder climate Nevada had in the last ice age. The forests are interrupted by massive cliffs and a range crest that includes the only peaks above timberline in the southern Great Basin. This mountain island is home to 25 plant species and one mammal (the Palmer chipmunk) found nowhere else in the world.

Nearly all the areas suitable for non-wilderness recreation within this unit of the Toiyabe National Forest have already been developed for such uses, so that the Friends of Nevada Wilderness proposal offers little conflict with future recreational development. A master plan approved by Clark County for private lands on the mountain strongly controls development there.

There has never been any conflict between preservation and mineral development here, either in the forest or on adjacent BLM lands.

MT. MORIAH

Humboldt National Forest
White Pine County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 98,000 acres

Mt. Moriah is Nevada's 5th highest peak at 12,050 feet. Sheer-walled gorges cut into the mountain mass from the east; deeper in the range, streams course through narrow, twisted canyons. A rare cutthroat trout and bighorn sheep live in this outstanding wilderness.

Moriah, just across Sacramento Pass from Wheeler (site of Nevada's new Great Basin National Park), is much less known but just as beautiful. John Hart (author of Hiking the Great Basin) says of Moriah that, "on the rounded peaks, more than on any other Great Basin peak, you have the sensation not just of height but of deep remoteness, of immersion in wilderness. The North Snake [range] is broad and primitive; the arid valley floors are a long way off and a long way down."

The Friends of Nevada Wilderness proposal is larger than the Forest Service roadless area because we have included a small portion of Bureau of Land Management land adjacent to the Forest. This is an integral part of the area and should be considered for wilderness at this time.

MT. ROSE

Toiyabe National Forest
Washoe County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 37,000 acres

Only a few minutes from the second largest city in Nevada lies the Mt. Rose proposed wilderness. This high snowfall area of the Carson Range is reminiscent of the Sierra Nevada to the west, but with a distinctly Great Basin flavor. Open meadow lands, several peaks over 10,000 feet, and ridges affording views as far as Mt. Shasta (200 miles to the northwest) are just a small part of the mountain experience. It is extremely popular with backpackers and hikers from the Reno area.

The Friends of Nevada of Nevada Wilderness proposal is larger than the Forest Service roadless acreage because the Forest Service has acquired additional undeveloped lands within the National Forest which were not included in their original acreage figures.

Friends of Nevada Wilderness propose leaving open the roads from the northwest corner of the area to Big Meadows and from Reno to Hunter Lake. Both are frequent destinations of local picnickers.

The Friends of Nevada Wilderness also has left the entire Galena Creek face of Mount Rose out of the proposed wilderness. This area has a pending proposal for downhill ski development.

PEARL PEAK

Humboldt National Forest
Elko County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 23,000 acres.

Pearl Peak lies about 45 miles southeast of Elko, Nevada in the southern portion of the Ruby Mountains. Elevations run from Pearl Peak itself at 10,847 feet to about 7,000 feet, offering spectacular views of the surrounding valleys, particularly that overlooking the Ruby Lake National Wildlife Refuge. A special attraction to the area is the only bristlecone pine stand in the Ruby Mountains, covering an area one mile wide and running north from Cass House Peak.

QUINN CANYON RANGE — Humboldt National Forest
Nye/Lincoln Counties

FRIENDS OF NEVADA WILDERNESS SUPPORT: 95,000 acres

The Quinn Canyon Range proposed wilderness is an extension of the jumbled high country in the Grant Range immediately north. But here because volcanic rocks predominate rather than limestone, there is more surface water in canyon narrows and springs. If wilderness is in part a "blank spot on the map," you will find it here. The peak and ridges, including the high point of 10,229 feet, are unnamed.

The Forest Service recommended an 89,000 acre Quinn Canyon Wilderness in 1979 because of the high wilderness qualities of the area, despite information showing possible mineral conflicts. The Reagan administration supported making this area wilderness in November, 1981. Our proposal deletes the northwest corner of the roadless area, thus eliminating the majority of the few mining claims which occur.

In the heart of this rugged high country is summer deer range and a historical home for a herd of bighorn sheep. Our proposal also includes the scenic Hooper Canyon area in the north, with its limestone cliffs and gorge and its bristlecone pines; the crest of the range and most of the summer big game range around it; most of three major drainages from the crest to the west and a large part of one from the crest to the east, and a transition to the very different country of the southern part of the roadless area. All of these areas deserve wilderness designation.

RUBY MOUNTAINS — Humboldt National Forest
Elko County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 143,000 acres

Twenty miles southeast of Elko are the Ruby Mountains. The name alone invokes the correct image: high, multi-faceted, granite-like peaks soaring above lush green meadows and sparkling sapphire-blue lakes.

Nowhere else in Nevada is there such a spectacular glacier-carved landscape, with hanging valleys, clusters of lakes, and snow-fed streams flowing down the U-shaped glacial valleys on the west side of the range.

Because they are so heavily glaciated and have such abundant water, the Rubies represent the epitome of classic mountain wilderness.

As such, they attract people of all ages, who come to camp, fish, horseback ride, hike, hunt, snowshoe, and cross-country ski. They are not disappointed. The Rubies are a recreationist's paradise. Among many users are Boy Scout groups from Las Vegas, Salt Lake City, and even further away.

SANTA ROSA — Humboldt National Forest, Humboldt County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 80,000 acres

The Santa Rosa Mountains loom above the Quinn and Paradise River Valleys in far north-central Nevada. They capture the water that brings life to a seemingly lifeless land. Golden eagles, perhaps more common here than anywhere else in Nevada, ride the crests of the nearly 10,000 foot range, ever searching for rising warm currents.

SCHELL PEAKS — Humboldt National Forest, White Pine County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 120,000 acres

The heights of the Schell Creek Range form the backbone of the Schell Peaks Wilderness. The long and lofty range marches above timberline for miles reaching North Schell Peak at 11,883 feet. Rimrock, talus slopes, and cliffs fall away into broad basins where clear streams run. Elk, mule deer, mountain lion, beaver, and trout thrive in forests of quaking aspen, douglas and white fir, spruce, limber and bristlecone pine.

SOUTH SNAKE RANGE — Humboldt National Forest, White Pine County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 42,000 acres.

The 99th Congress established the nation's newest National Park at Wheeler Peak. The Great Basin National Park capped more than twenty-five years of effort to protect one of Nevada's most scenic mountain ranges. The Friends of Nevada Wilderness support protection for the remaining unprotected roadless lands.

SWEETWATER MOUNTAINS — Toiyabe National Forest, Lyon County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 12,260 acres.

The Sweetwater Mountains are a unique mountain range unattached to the Sierra Nevada. They begin in Mono County, California and continue north into Lyon County, Nevada, extending from the low, surrounding valleys at approximately 6,000 feet to the high alpine area of Mt. Patterson at 11,679 feet. The crest is distinctive because of the multi-colored, rocky peaks in the core area between Wheeler Peak and Sweetwater Canyon and is an unusual ecosystem with abundant wildlife and several sensitive plant species.

The California Wilderness Act of 1984 continued the further planning status established by RARE II and there is considerable support within California for wilderness designation of the California portion of these lands.

TABLE MOUNTAIN — Toiyabe National Forest, Nye County

FRIENDS OF NEVADA WILDERNESS SUPPORT: 125,000 acres

Looking up from the Monitor Valley, the long summit of Table Mountain dominates the eastern horizon. The aspens here are not in groves along narrow canyons; they are in forests. The crest of the range is, in fact, a table or plateau. One may walk for a dozen miles above 10,000 feet with hardly any climbing. The plateau drops precipitously to the east. Several large creeks have abundant trout, and an elk herd reintroduced to the area several years ago has tripled in number.

TOIYABE CREST

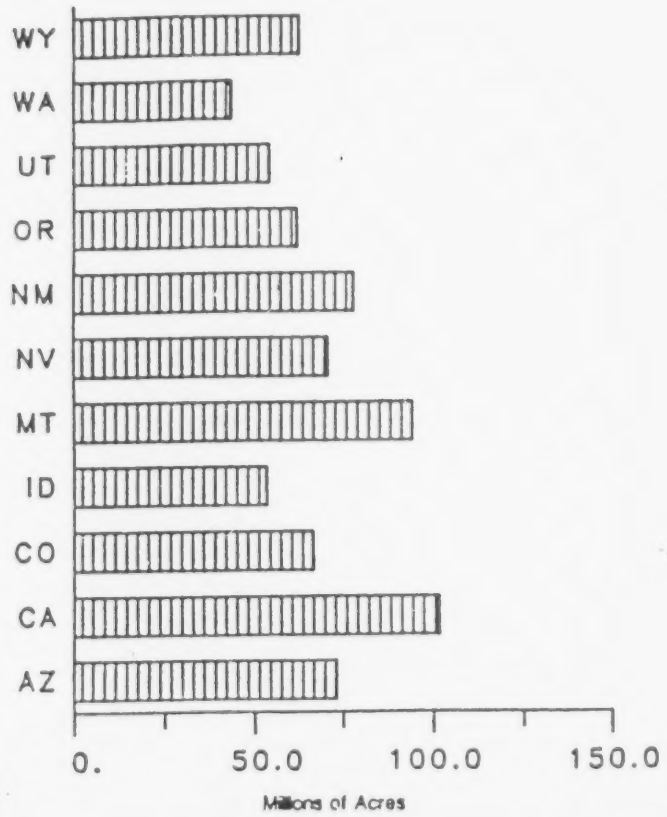
Toiaybe National Forest
Lander/Nye Counties

FRIENDS OF NEVADA WILDERNESS SUPPORT: 79,000 acres

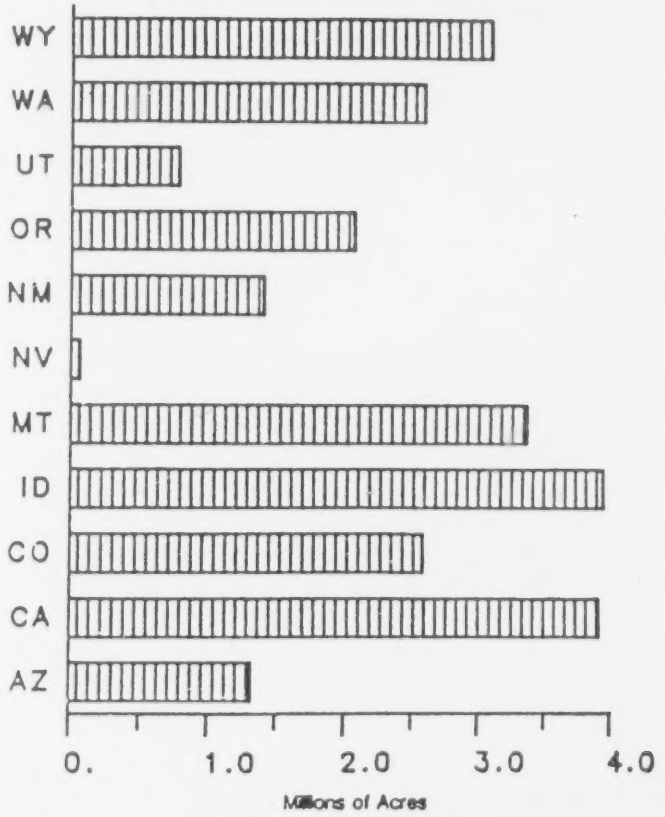
The 72-mile Toiyabe Crest Trail runs down the high spine of the Toiyabe Range. Two-thirds of the trail is in this proposed wilderness, which runs from Kingston to Ophir Canyon. The trail winds its way around the highest peaks and crosses broad ridges with constantly changing views of the valleys and mountain ranges of central Nevada.

A series of peaks just under 11,000 feet loom at the head of deep creek canyons--Washington, Broad, San Juan, Tierney, and Marysville Canyons, among others. Lahontan cutthroat trout, a federally-listed endangered species, occurs in several of the streams in the canyons, and a small bighorn sheep herd uses the southern part of the area. On the steep east side of the range are the "Wild Granites"--a 4000-foot wall of granite carved by wind and water into spectacular vertical spikes and columns.

Land Area of Western States



Comparison of Nevada's Designated Wilderness to Designated Wilderness in Other Western States*



Senator BUMPERS. Thank you very much.
Mr. Alberswerth.

STATEMENT OF DAVID ALBERSWERTH, DIRECTOR, PUBLIC LANDS AND ENERGY DIVISION, NATIONAL WILDLIFE FEDERATION

Mr. ALBERSWERTH. I appreciate the opportunity to appear here today on behalf of the National Wildlife Federation. My name is David Alberswerth, and I am the Director of the National Wildlife Federation's Public Lands and Energy Division.

We are pleased to offer strong support today for enactment of S. 974. The other witnesses on this panel have covered some of our concerns about the bill and have abdicated some of the improvements we endorse as well.

There are two points that I would like to mention in my oral statement. The first concerns section 6 regarding grazing in wilderness areas. Our concern is that the presence of that section might be interpreted by permittees to mean that current livestock grazing practices and numbers may not be altered under any circumstances even if damage to other resources from grazing is identified by the Forest Service and management prescriptions or AUM reductions are therefore warranted.

Our recommendation is that the section either be dropped or that report language be written that clarifies that section 6 in no way is meant to impair the Forest Service's discretion to alter livestock grazing management prescriptions or reduce numbers in order to protect other resources values.

The final point I would like to bring up is the issue of hunting in wilderness areas. During the last Congress the allegation was made by some critics of the Nevada wilderness proposal that somehow the designation of wilderness was an anti-hunting ploy. Such allegations simply are unfounded. They are red herrings in this whole issue.

Section 4(d)(8) of the Wilderness Act specifically delegates to the state fish and wildlife management agencies the authority to manage wildlife and wilderness areas, and that includes setting bag limits and seasons of use, et cetera.

Most of our members in the West are in favor of wilderness because of the wildlife values that can be protected and the primitive hunting opportunities that are afforded.

I myself enjoy a variety of outdoor sports, including fishing and hunting. It is my intention to go hunting in Montana in a wilderness area in the fall. The only significant constraint on my ability to do so is obtaining my wife's permission to go. I am hoping that I can overcome that obstacle, however.

Thank you very much and, again, we support S. 974.

[The prepared statement of Mr. Alberswerth follows:]

Working for the Nature of Tomorrow®
NATIONAL WILDLIFE FEDERATION
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STATEMENT OF

DAVID ALBERSWERTH, DIRECTOR

PUBLIC LANDS AND ENERGY DIVISION

NATIONAL WILDLIFE FEDERATION

REGARDING

S. 974

THE "NEVADA WILDERNESS PROTECTION ACT OF 1989"

BEFORE THE

SENATE SUBCOMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

July 24, 1989

Mr. Chairman, Members of the subcommittee, thank you for the opportunity to present the views of the National Wildlife Federation (NWF) on S. 974, the "Nevada Wilderness Protection Act of 1989." My name is David Alberswerth, and I am the Director of NWF's Public Lands and Energy Division. The National Wildlife Federation is the nation's largest conservation/education organization with 5.8 million members and supporters throughout the nation, including Nevada. We have a longstanding concern about the proper management of our nation's public lands and national forests.

We are pleased to offer our support today for S. 974. The true character and value of Nevada's public lands have for too long gone unnoticed or even denigrated by many Americans, who have unfairly characterized Nevada as an endless expanse of desert sagebrush and barren mountains. And just as Nevada has been shortchanged in the past on the amount of designated national forests, an oversight to some extent corrected last year with passage of the Nevada Public Lands and National Forests Enhancement Act, the state also has been shortchanged on wilderness designation. We hope that all members of the delegation eventually will realize the importance of wilderness designation as an important management prescription for many of the remaining wild lands within Nevada's public lands and national forests.

Although we support passage of S. 974, we do have some minor reservations about the bill.

The first relates to the language in Section 6 regarding livestock grazing within the Wilderness Areas designated by the Act. We view the language as superfluous and unnecessary, since Section 4(d)(4) of the Wilderness Act guarantees that "the grazing of livestock... shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture." Since that assurance already exists in the Act itself, we see no reason for the inclusion of Section 6. At worst, the presence of Section 6 could be interpreted by permittees to mean that current livestock grazing practices and numbers may not be altered under any circumstances, even if damage to other resources from grazing practices is identified by the Forest Service, and management prescriptions or AUM reductions are therefore warranted. We recommend that either this language be stricken, or that report language be written that clarifies that Section 6 in no way is meant to impair the Forest Service's descretion to alter livestock grazing management prescriptions or reduce livestock numbers in order to protect other multiple-resource values which it is obligated by law and regulation to protect.

Secondly, we are troubled by the inclusion of a "snowmobile corridor" in the Mt. Rose area. We think it would be unfortunate to split the area in this manner. Enforcing the one-quarter mile limitation on snowmobile use would be impossible. Moreover, permitting snowmobile use in an area otherwise devoted to non-motorized recreation invites unnecessary conflicts between snowmobilers and other winter recreation users.

Third, we would like to see the 6000 acres of the Akler Basin area of the East Humbolts, which were included in last year's proposals but dropped in S. 947, added back into the bill. The Nevada Department of Wildlife has pointed out that this area contains some of Nevada's most outstanding wildlife and natural resource values, and has recommended wilderness designation for it.

Finally, I would like to address the allegation by some that the designation of wilderness amounts somehow to an "anti-hunting" ploy. Such allegations are simply unfounded. Section 4(d)(8) of the Wilderness Act (16 U.S.C. 1133 (d)(8)) explicitly recognizes the exclusive jurisdiction of state fish and wildlife management agencies to manage wildlife in designated wilderness areas:

> Nothing in this chapter shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

Indeed, Section 10 of the bill makes this clear. Since state wildlife management agencies are responsible for issuing licenses and permits and regulating seasons, bag limits, etc., on designated wilderness areas, the charge that wilderness designation somehow is an "anti-hunting" ploy simply does not hold water. In fact, most of our western state affiliates, including the Nevada Wildlife Federation, recognize that wilderness designation is often necessary to provide for future quality hunting opportunities. Development pressures in our western states are mounting, and the expanding population and urbanization taking place in the West is placing increasing pressure on our public lands for a variety of recreational activities. Setting aside a small portion of those lands as wilderness will ensure that future generations of Nevada sportsmen will experience that special quality of pursuing big game in the wild, an experience which many western sportsmen have had the luxury of taking for granted in the past.

Should there ever be a serious attempt to amend the Wilderness Act to prohibit hunting or fishing in wilderness areas, I can assure you that the National Wildlife Federation will be in the forefront opposing such a proposal.

This concludes my statement. Thank you for the opportunity to express our support for S. 974.

Senator BUMPERS. When I ran for the Senate for the first time, my opponent bought some kind of a newspaper which had about 1,000 circulation and their first circulation was 250,000, and the headline was "Governor to Ban Hunting."

You know, more thoughtful people would wonder how in the hell a governor could stop anybody from hunting. That would make me a king.

But, as it turned out, what happened is we had an autopen in the basement of the Capitol where people who sent us these—Dick Bryan would know about these—they send these things all over the United States—"Would you please proclaim this 'Love Kitten Day' " and that sort of thing—and my staff very thoughtfully took those to the basement, and we had a nice little tubular thing we would insert them and send them back to them.

And, in the process, of course, they had signed one for some organization called Friends of the Animals. It really was not a bad proclamation. Of course I had never seen the thing, but I could not tell people things were going out of my office that I had never seen. And what it said was, "Animals need friends, too," and so my opponent took that as an anti-hunting position. And it took us a week or two to figure out where all this was coming from.

It turned out one of my assistants had very dutifully signed that thing and had never read it or if he did read it, did not think anything about it. So these things can really get skewed sometimes.

Every place I went during that campaign people would say, "Governor." So finally we had a picture of me holding about four ducks, which was probably over the legal limit. So, we sent out a million pictures of me holding the ducks I had killed at the Duck Hunting Club there in Arkansas.

So, I agree with you. There is not any hunting language in this bill. Anybody that wants to make it more specific, that is fine with me, too. Designating wilderness areas, as you correctly point out, is one of the ways you preserve good quality hunting. I appreciate you bringing that up.

Ms. Agonia, I take it the Ackler Basin that you refer to is about 4,000 acres in addition to what is in the bill?

Ms. AGONIA. That is about right.

Senator BUMPERS. The other one in the Ruby Mountains that you wanted to add, you are talking about something over 50,000 acres.

Ms. AGONIA. That is the heli-ski area, basically.

Senator BUMPERS. What is the attribute of this that is not included in the bill that you think is essential?

Ms. AGONIA. It is so much a part of the area. It takes a cutout of it, although Roger is more familiar with it. I am not able to do the kind of climbing I used to when I was a kid, and Roger is much more intimate with that area.

Senator BUMPERS. Mr. Scholl, would you like to discuss that.

Mr. SCHOLL. The first part, as I said in my testimony, are the several canyons which drain into Lamoille Canyon, which is a paved road visited by tens of thousands of people every year, and the view that they see from the road across the canyon of really spectacular heavily glaciated country with waterfalls, hanging valleys and so on is all removed from the wilderness area now at the behest of the heli-ski operator. It is land that has been recommend-

ed by the Forest Service as wilderness since the early 1970s in every study they have done, RARE I, RARE II, RARE III. They have only backed off of that recommendation as a result of heli-ski pressure in the last forest plan.

It is simply some of the most spectacular land in the western United States, and it should be included in the wilderness. As I said in my testimony, it can be included in the wilderness and still leave areas out for the heli-ski operation.

Senator REID. That is not Ackler Basin, though.

Senator BUMPERS. No, we are talking about Ruby Mountain.

I am particularly interested in Mount Charleston. I come from Charleston—Arkansas, that is.

As I understand it from this map——

Senator REID. It is almost 12,000 feet high, Mr. Chairman.

Senator MCCLURE. Unlike the Senate, it is clear and clean up there.

Senator BUMPERS. Senator McClure.

Senator MCCLURE. Mr. Chairman.

Mr. Morros, I note that you point to the section of the bill that provides that the Secretary shall file a claim for quantification. And it implies in that language without specifically saying it that that will be done under state water law and procedure.

The sponsors of the bill have also testified that that is true. The only reason for my question in that regard is to make sure the legislative history carries forward that intent. It does not require any timetable for that.

Do you believe that it is essential to or important that that be done in a reasonable period of time?

Mr. MORROS. Senator, I think it would be my position that under our existing water law in our adjudication procedure that even when an adjudication, a general adjudication in the drainage is initiated that at that time the responsibility under the law that the State Engineer has is to allow a certain amount of time for filing claims, whether they be claims of reserve dried or whatever the case may be.

At that time I think it would be appropriate for the quantification of any reserve dried. Obviously we would not be unhappy if that information was provided prior to that time.

Senator MCCLURE. If I understand you correctly, if I read the language correctly in context of your comment, there would be no requirement that there be any quantification of the federal claim under the spill in the absence of prior to a general stream adjudication?

Mr. MORROS. That is correct. And the reason that it does not give me any heartburn for lack of a better term prior to that time is the nature of the reserved right associated with the wilderness areas is a nonconsumptive, nondepletive right and what the lawyers have characterized as an in situ right.

Senator MCCLURE. I notice, Mr. Scholl, you are nodding your head, and I do not mean to put you on the record any other way except that I was going to ask you that question, and I assume you agree with that statement.

[Mr. Scholl nodded his head.]

Senator McCLURE. I have been puzzled to know in other bills where this issue is raised what right is sought that is not there by virtue of the designation of the ground as wilderness in the management under the Wilderness Act? I am groping for a reason why people seem to think it is essential that we have some kind of a statement with respect to the reservation of water rights?

And last week in the hearing on the Idaho bill one of the witnesses said some people seem to have a phobia, and I asked the question in return, well, what is the phobia on the other side because maybe I do have a phobia. But if it is that I have one, then there must be one on the other side.

What water right is needed with respect to the wilderness that is not assured by the designation of the management of the land if it is a headwaters designation?

Mr. MORROS. Senator, I think you need to keep in mind, number one, that Nevada is the dryest state in the nation. You may get some argument from my counterpart in Arizona and New Mexico to that statement, but for all practical purposes the surface water sources in Nevada have been adjudicated, and they are fully appropriated.

I think the concern goes to those systems that have not been adjudicated, and they are somewhat few and far between that there might be some attempt at subsequent appropriations—in other words, appropriations, consumptive-type appropriations above and beyond what exist right now in the form of existing rights.

You are right. There is a phobia. There is always that concern of protection of those existing rights. And, in this case, the protection of the values associated with the wilderness area, the pristine values, the natural state values associated with the wilderness area, and I think, at least what I can gather from what people have expressed to me, they do not want the water tampered with, the natural watersheds left as they are, which in effect provides a substantial protection to downstream users from any subsequent appropriations.

But, in the circumstances where the possibility of a subsequent appropriation might raise its head at some time in the future, then the reserved right, I think, would move to the forefront as the protective device to maintain those wilderness values, and I assume that is the thrust of the reservation language contained in the bill, and I think it is appropriate and proper.

Senator McCLURE. Mr. Scholl.

Mr. SCHOLL. I think I would agree with what Pete has just said. Perhaps a way to state it a little differently is it is an attempt to maintain the status quo, if you will. As Pete says, most of the surface water sources are entirely allocated. I believe the phobia or concern, if you will, of the non-wilderness water users is that wilderness not come in with some sort of additional claim on the water and diminish the water that they now have rights to.

Senator McCLURE. And you think wilderness designation holds that threat?

Mr. SCHOLL. No, I do not, but you were asking the question why we need the language to reserve a right for the wilderness. I think it is simply an attempt to balance that concern. So, in effect, we are saying by virtue of the state laws and the allocations that have

taken place, the senior rights that by explicitly stating that there is a reserve right for wilderness, we are, in effect, saying we are going to maintain the equilibrium or the existing situation on both sides. Non-wilderness users, wilderness users, they both have a right. And the attempt is to keep it the way that it is.

Senator MCCLURE. I understand that statement, but I am still groping for a reason why a statement is necessary if, indeed, it is the head of a watershed and the land has been set aside for wilderness, and the land manager is directed to manage as wilderness, what possible application of water is there that needs water rights language different from the land management language? Because it seems to me the people who may indeed have a phobia on the other side—and Mr. Morros earlier indicated that he has some of kind of a dedication to the maintenance of state rights with respect to water—what possible claim on water can there be if you have the land management as wilderness management?

Mr. SCHOLL. I guess two answers. One is if, in fact, it is not going to have any practical effect, then it is one of these things of—it does not make any difference if it is in or it is not in. Why not put it in.

Senator MCCLURE. The other side would say why put it in if it cannot have any effect.

Mr. SCHOLL. Why have the concern with the seniority of the established rights? The essential full allocation and with this whole issue from nonwilderness water users.

Senator MCCLURE. I think most of this land but not all of it is within Forest Service boundaries, not all of it. With respect to those that are within Forest Service boundaries, there is an existing federal claim of reserved right with the date of the withdrawal of the forest.

Senator REID. Senator McClure, everything is in wilderness with the exception of a tiny speck, in Forest Service land with the exception of a small part in the Mount Moriah area which is in no dispute. But everything else is in Forest Service land. We can say that.

Mr. ALBERSWERTH. Senator McClure, it has been my impression that the whole issue of inserting wilderness rights language in wilderness bills is a fairly recent phenomenon and has arisen as an issue as a consequence of many western public officials concerned about the implication for state water rights or private use downstream of the designation of wilderness water upstream.

Traditionally, most wilderness advocates in the past have not been particularly interested in water rights language at all. I guess the matter of concern arose out of this Colorado lawsuit and, of course, we have had to struggle back and forth over exactly what is the implication of that and how can we deal with the concerns all around.

And I assume that is one of the reasons we find this particular approach here as an attempt to try to deal with everyone's concerns.

Senator MCCLURE. I am still groping with the idea that Mr. Scholl said a moment ago. If it does not make any difference, why not put it in. And those who have a phobia on the other side, and I am one of those——

Senator BUMPERS. He said if it does not make any difference, why put it in.

Senator MCCLURE. Exactly. Do the people who want it put in really have a different agenda?

Mr. MORROS. Mr. Chairman, may I make an additional comment?

Senator BUMPERS. Certainly.

Mr. MORROS. I guess, Senator McClure, there is a distinction probably that can be drawn between Nevada and some of the other western states. As I previously indicated, Nevada does not enjoy the luxury of abundant water resources. Some of the other states, such as your state, are still in the process of allocating or allowing the appropriations of surface water. That is generally not the case in Nevada.

The competition for our very limited water resources is becoming more and more intense all the time, especially with some of the growth patterns in our metropolitan areas. The concepts of artificial groundwater recharge, of inner basin transfer, all of these things are coming into sharper focus all of the time.

I guess that probably would be somewhat of a basis for drawing a distinction between Nevada and some of the other states where the concerns or the things that you have just indicated concern you may not be appropriate for some of the other western states, and I am certainly not going to pass judgment on what the needs of some of the other western states are.

I think they are appropriate in the case of Nevada. I think that the declaration of the reserved right for these wilderness areas is definitely appropriate. Somewhere down the line there will probably—maybe not in my time or your time—be some attempt to divert those water resources associated with these watersheds in the lower elevations—I am not talking necessarily about the wilderness areas—to some other uses.

Senator MCCLURE. May I interrupt at that point? Because certainly what happens outside of the boundaries—the wilderness will be handled under other laws both current and future laws.

It has been suggested in private conversations that maybe one of the reasons people are concerned about it is that under state law you might change a point of diversion. I cannot imagine that it would be possible to change a point of diversion from outside of the wilderness to one inside the wilderness after it is designated as wilderness.

We have some wilderness in which our water impoundments are already existing. We have made special reference to that while it existed, but I cannot imagine that anybody really believes that under state water law you could get the opportunity to create an impoundment within the area of a wilderness area after it is designated as wilderness.

It seems to me that the land management decision made with respect to the designation of wilderness land for wilderness management precludes those kinds of options under state law or under other current practice.

I am still groping for the reason why it is necessary to state it.

Mr. MORROS. You are probably correct.

Senator BRYAN. I think that the witnesses have been saying—and, please, if I mistake this, correct me—is that with respect to

the designation of the wilderness areas in Nevada, they all arise within the headwaters area.

I suppose in theory one might have a designation of wilderness that does not occur in the headwaters and which may be the basin or the stream system is not fully appropriated. Then under those circumstances one can understand why you would have the designation here to the reserve right dated from that date.

Here it is my understanding that although the language is here, the practical impact is that these are fully designated in the surface waters of Nevada. Moreover, because it is a nonconsumptive use, these are all in the headwaters. There is no point above them from which a diversion could take place.

Senator MCCLURE. And from my understanding of the presentation, we have no impoundments or diversions within the boundaries of this wilderness.

Mr. MORROS. There are some existing water rights in the periphery of these wilderness areas, but I think the legislation adequately protects those.

Senator MCCLURE. When you are talking about water rights in the periphery, you are talking about stream flow rights?

Mr. MORROS. Stream flow rights, mostly surface water rights, wildlife uses, and some stock watering uses.

Senator MCCLURE. I am still puzzled, but we will work it out one way or the other, and I appreciate that. Thank you very much, Mr. Chairman.

Senator BUMPERS. Thank you, Senator McClure, and I thank all of this panel for your thoughtful comments and being with us this morning.

Our second panel is Mr. Max Christiansen, Nevada Sportsmen and Outdoorsmen Association; Don Earnest, Nevada Mining Association and oil and gas industry; Mark Trinko, Nevada Off-Highway Users Council and the Blue Ribbon Coalition; Von Sorensen, Nevada Farm Bureau and Wilderness Impact Research Foundation.

STATEMENT OF MAX CHRISTIANSEN, CHAIRMAN, NEVADA SPORTSMEN AND OUTDOORSMEN ASSOCIATION

Mr. CHRISTIANSEN. Mr. Chairman, my name is Max Christiansen. I am the Chairman of the Nevada Sportsmen and Outdoorsmen Association, and I am appearing here today as spokesman for that organization, for the Nevada Rifle and Pistol Association, and many other sportsmen organizations.

When we realized what the impact of wilderness was really all about, many of my friends and acquaintances decided it was time for us to get involved in these wilderness issues and speak out on the issue. I might point out, Mr. Chairman, the majority of Nevadans are not members of any organization, sportsmen or outdoor organization. It's people like myself that is not a joiner that has been an avid hunter and fisherman an outdoorsman throughout my life. I work eight hours a day, pay taxes and plan with the family and maybe get three or four outings a year into the mountains to enjoy the wild areas.

We are not organized and we are certainly not professionals. We have been letting somebody else do it, looking after things, and nobody else has been doing the job either. So we decided to form the Nevada Sportsmen and Outdoorsman Association as a channel for people like myself to have the opportunity to collectively express our views on this wilderness issue.

We sponsored the drive for letters to our congressional delegation requesting that hearings on wilderness be held in locations around Nevada. As of last week, we had over 20,000 signature letters from citizens in Nevada and we are just getting started. If this hearing was to be held in October, like we assumed it probably would be, we had planned to present 100,000 signatures to our congressional delegation just requesting that they come into Nevada and hold hearings on this issue.

On this letter writing campaign we are being helped by many sportsmen organization, agriculture, campers, mining, the unions, businesses, senior citizen skiers, the handicapped and many others. We have a group of senior citizens that have come to us that are getting involved. They are getting in their motor homes and going throughout Nevada with eight or ten of them with signs they made up on the sides of their homes getting people involved in signing these signatures to see if we can convince our congressional delegation to hold hearings in the State of Nevada.

This wilderness bill also precludes the Forest Service from expanding camping and picnicing facilities in some of our state's most desirable areas which is necessary to keep pace with Nevada's ever-increasing population. One of those areas is the Mt. Charleson area. At the present time, in watching the six o'clock news the weatherman comes on and tells the temperature in Las Vegas is 116 degrees and it appears it is going to stay at about that temperature throughout the remainder of the week. In sitting around with the family and he says, "Mom, let us get the kids and head for Mt. Charleson this week so we can get out of this heat," at the present time, if they want to do that, they have to send someone up there early in the morning to hold a spot because there are not facilities available. I think these are other areas that need to be looked at prior to enacting any federal legislation.

The Sierra Club has stated on Nevada television that they intend to have over ten percent of Nevada placed in federal wilderness. This bill is only the first step. Next comes the BLM, then the National Wildlife Refuge proposal, the U.S. Park Service Proposals, and by then we will be facing new Forest Service proposals.

Under the proposed bill an additional 733,400 acres of Forest Service lands are going to be designated as wilderness. We feel that a set aside of this magnitude merits the scheduling of public hearings in Nevada where all concerned citizens could have an opportunity to address the issue.

When we stop to consider all the acreage in Nevada that is already closed to public access due to military activities, game preserves and Indian reservations, and I was told last week that the Air Force is asking for 50-75,000 acres in Nevada to expand their bombing range facilities, we submit that redlining even more areas of our state need very careful study. We are requesting that public hearings be held in Nevada before moving forward on this bill.

Our present senators have never held hearings on this bill in Nevada. It think it underscores how urgent these hearings are needed. Thank you.

[The prepared statement of Mr. Christiansen follows:]

Mr. Chairman, Members of the Committee:

My name is Max Christiansen. I am the Chairman of the Nevada Sportsmen and Outdoorsmen Association and I am appearing here today as spokesman for that organization, the Nevada Rifle and Pistol Association and many other sportsmens organizations. We believe in protecting our wild areas from further federal government intervention and restrictions.

I have been an avid sportsman and outdoorsman throughout my adult life. Over the years the greatest pleasures of living in Nevada for myself and many of my friends have been found in exploring the mountains, hills and deserts of the silver state. After I found out what this wilderness legislation was really all about, I realized that unless I got a pack horse or a mule...or took up back-packing, that many of the areas that we have enjoyed over the years would suddenly become "off limits".

When some friends and acquaintances began to share this same realization, we decided it was time for us to get involved and to speak out on the wilderness issue. We formed the Nevada Sportsmen and Outdoorsmen Association as a channel for people like myself to have the opportunity to collectively express our views.

We have sponsored a drive for letters to our congressional delegation requesting that hearings on wilderness be held in locations around Nevada. We now have over 20,000 letters and we are just getting started. We will have tens of thousands more over the next few weeks. On this letter writing campaign we are being helped by many sportsmens organizations, agriculture, campers, mining, unions, businesses, senior citizens, skiers, the handicapped and others.

At the informal hearings held in 1988 by former Senator Chic Hecht on his bill at seven Nevada locations 70% of those testifying either supported no wilderness or the 132,000 acres proposed by Congressman Vucanovich. In Las Vegas, our biggest city, it was 79% for no wilderness or the Vucanovich position and only 21% testified for more than 132,000 acres. We feel strongly that eliminating access to the wilderness areas as proposed in the pending legislation needs considerably more study and local public input prior to consideration of a final bill.

Federal wilderness eliminates wise management of wildlife. Wilderness eliminates the option of introducing or augmenting wildlife species such as chukar, pheasants , rainbow trout, etc. Wilderness eliminates or curtails the ability to develop watering facilities such as guzzlers used by desert bighorn and other wildlife. The need for continued and even expanded watering facilities for wildlife has been made very clear by the present drought.

A recent Utah State Study establishes that federal wilderness hurts public enjoyment of wilderness lands. The study shows that recreation in federal wilderness is declining by 4% annually while recreation on non-federal wilderness lands is increasing by 1.8% annually.

This wilderness bill precludes the Forest Service from expanding camping and picnicking facilities in some of our state's most desirable areas which is necessary to keep pace with Nevada's ever increasing population.

The Sierra Club has stated on Nevada television that they intend to have over 10% of Nevada placed in federal wilderness. This bill is only the first step. Next comes the Bureau of Land Management wilderness proposals, then, National Wildlife Refuge proposals, then U. S. Park Services proposals, and by then we will be facing new Forest Service proposals. This is unacceptable to our growing grassroots movement.

Under the proposed bill an additional 733,400 acres of Forest Service land would be designated as wilderness. We feel that a "set-aside" of this magnitude merits the scheduling of public hearings in Nevada where all concerned citizens would have an opportunity to address some of the issues which were outlined in our letter dated June 9, 1989, to the Nevada Congressional delegation, namely:

- multiple use
- states rights to manage wildlife
- wilderness locations
- water developments
- access
- wildlife species.

When we stop to consider all of the acreage in Nevada that is already closed to public access due to military activities, game preserves, indian reservations, etc., we submit that red-lining even more areas of our state needs very careful study.

Please schedule hearings in Nevada before moving this bill forward. Our present senators have never held formal hearings in Nevada on this bill. The petition drive now underway underscores how urgently these hearings are needed.

Thank you for your consideration.

Senator BUMPERS. Thank you, Mr. Christiansen. Mr. Earnest.

STATEMENT OF DONALD F. EARNEST, NEVADA MINING ASSOCIATION

Mr. EARNEST. Mr. Chairman, Senators Reid and Bryan, my name is Don Earnest. I am manager of exploration for Sunshine Mining Company, a member of the Board of Directors for the Nevada Mining Association. I appreciate the opportunity to offer this testimony in Senate bill S. 974, and I respectfully request that my written comments be included in the record.

Senator BUMPERS. So ordered.

Mr. EARNEST. Thank you, sir. The Nevada Mining Association cannot support Senate bill S. 974 as it is written. Contrary to previous testimony, we do not believe that the issue has been thoroughly studied from the aspect of mineral potential. Only five of the 14 areas included in S. 974 have had the U.S. Bureau of Mine studies completed. Those areas are Quinn Canyon, Grant Range, Arc Dome, Mt. Moriah and Jarbridge.

The importance of these studies is best illustrated by the Arc Dome study. It is going to be published in the very near future. It indicates that there is high potential for bulk tonnage, low grade disseminated gold deposits in eight separate areas, separate and distinct within the Arc Dome area. Surprisingly, it also encountered high molybdenum values in the central portion of the area, values as high as .17 percent. When they were mining the hall deposit adjacent to Tonopah, their ore grades were running about .11 percent. This is very significant.

Other federal agencies, the USGS, has only completed one of their studies and that is Mt. Moriah.

The Nevada Mining Association has historically contended and continues to contend that it is a grave error to designate as wilderness any area in which studies have not been completed and the results evaluated. Until they are completed, it is prudent public policy to leave them in multiple use.

Concerning petroleum resources, it is likewise prudent to keep lands producing high oil and gas potential in multiple use. Senate bill S. 974 will designate three areas which possess high oil and gas potential, the Grant Range, Quinn Canyon and Current Mountain.

Each of these areas is near Railroad Valley where four of Nevada's five producing oil fields are located. The fifth is west of the Ruby Mountains area.

Clearly the issue before the Subcommittee is one of valued judgment. The 14 areas in S. 974 possess unique wilderness characteristics which are so unique that they override any other values which the areas possess. Of course, we do not believe they do.

We also believe whatever side of the fence you are on on this issue an intelligent decision cannot be made until all the facts are in, and this has not happened to date.

The Nevada Mining Association contends that there is no need for haste on this issue. We strongly urge Congress to allow time to assemble the facts both from the mineral studies, but also from ongoing economic impact and social impact studies.

These areas, all 14 of them, are currently protected. They are managed as wilderness. There is no danger of degradation to any individual area. We urge that you hold hearings in Nevada. It has been argued that enough hearings have been held. However, we believe these hearings will show that the majority of Nevadans do not want an increase which approached the magnitude called for in S. 974.

More Nevadans are coming to the realization that the total package for wilderness in Nevada could approach ten percent once the BLM and the U.S. Fish and Wildlife Lands are considered.

Nevadans are no longer buying the line that they should be ashamed that they have no wilderness, or less wilderness, in their state than some of their neighbors. They realize that multiple use works, and that wilderness is not the only way to protect pristine areas. The very fact that the 14 areas in S. 974 are thought to qualify for wilderness are previous multiple use management is proof that multiple use does work.

In closing my testimony I want to offer an observation which extends far beyond Nevada's borders. I think all of us are aware of the recent movements in China and the U.S.S.R. toward more democratic form of government. I think, no doubt, a vast majority of Americans see this as a very positive step toward world peace. One thought which comes to my mind is that once these two super nations begin to seriously develop and exploit their vast natural resources, the United States will have great difficulty competing in the world commodity markets. Only by maintaining great flexibility in the future development of our mineral, timber, livestock, and agricultural resources through intelligent multiple use management of the federal lands will America be able to maintain its current position as a world leader. Thank you very much.

[The prepared statement of Mr. Earnest follows:]

July 24, 1989

Senate Subcommittee on Public Lands, National Parks, and Forests

Hearing on S.974: "Nevada Wilderness Protection Act of 1989"

Testimony of Donald F. Earnest
Manager of Exploration,
Sunshine Mining Company
Member, Board of Directors
Nevada Mining Association

Mr. Chairman, Senators Reid and Bryan, and members of the Subcommittee, my name is Donald Earnest. I am Manager of Exploration for Sunshine Mining Company, a member of the Board of Directors of the Nevada Mining Association, and a resident of Tonopah, Nevada. I appreciate the opportunity to offer this testimony on Senate Bill 974, the "Nevada Wilderness Protection Act of 1989".

The mining industry in Nevada cannot support S.974 as it is presently written. Our primary and continuing concern is that the mineral resources and potentials (including oil and gas) have not been adequately studied and assessed. As of today, only five of the fourteen areas in this bill have seen the completion of the U.S. Bureau of Mines studies on existing mineral resources. These five areas are Quinn Canyon, Grant Range, Arc Dome, Mount Moriah, and Jarbidge. One of these, the Bureau's report on the Arc Dome area (MLA 10-89) revealed that eight specific locations within this area contain significant potential for low grade disseminated gold deposits. In addition, numerous high molybdenum values, reaching as high as .17% Mo, were encountered in the central portion of the area. The other federal agency involved in the assessment of the mineral potential of these areas, the U.S. Geological Survey, has completed their studies on only <u>one</u> area - Mount Moriah.
The Nevada Mining Association has historically contended that it is a grave error to designate as wilderness <u>any</u> area in which the mineral resources and potentials have not been adequately assessed. Until thorough studies are completed, we strongly contend that it is prudent public policy to keep federal lands in multiple use management.

Concerning petroleum resources, it is likewise prudent public policy to keep lands possessing high oil and gas potential in multiple use instead of designating them as wilderness. S.974 will designate three areas - Grant Range, Quinn Canyon, and Currant Mountain - as wilderness, even though these areas are of high

potential for oil and gas. Each of these areas are near Railroad Valley, where four of Nevada's five producing fields are located. The fifth field is west of the Ruby Mountains. Nevada's oil fields are known for their prolific production, and have generated high levels of leasing, drilling, and other exploration work. Oil companies have spent an estimated $200 million in Nevada searching for oil and gas. One well, the Grant Canyon #3, is the highest volume onshore oil producer in the nation at 4,000 barrels per day.

Clearly, the issue before this Subcommittee concerning S.974 is one of value judgement. Do the fourteen areas included in S.974 possess wilderness characteristics which are so unique that they override any other inherent values, such as mineral potential, livestock grazing, timber, and recreation? Obviously, we do not feel that they do. However, whatever side of the fence one places themselves on, an intelligent decision can be made only after all of the obtainable facts are compiled. This has not happened. Existing studies by the U.S. Bureau of Mines and the U.S. Geological Survey have been ignored. The fact that the majority of these studies have not been completed has been overlooked. A study commissioned by the City of Elko and Elko County to investigate the economic impact of additional wilderness in Elko County has been ignored. Another study by the University of Utah which indicates that recreational use of previously designated wilderness is declining has been apparently dismissed. The 1985 Nevada Legislature voted 60 to 3 in favor of no additional wilderness in Nevada, the Nevada Association of Counties (NACO) in 1985 voted 16 to 1 against additional wilderness in Nevada, the State Multiple Use Advisory Committee on Federal Lands passed a resolution on June 2, 1989 calling for public hearings in Nevada on S. 974 -- all have been thus far ignored.

The Nevada Mining Association contends that there is no need for haste on this issue, and strongly urges Congress to allow time to assemble all of the facts relating to this important decision. All of the fourteen areas in S.974 are currently being managed as wilderness, so there is no danger of physical degradation of any of the areas prior to Congress's eventual action. At the very least, we urge this Subcommittee to hold public hearings in Nevada on S.974. We believe the majority of Nevadans <u>do not</u> want an increase in designated wilderness which even approaches the magnitude called for in S.974. More Nevadans are coming to realized that the final wilderness package for Nevada could ultimately approach 10% of the total 71 million acres of land in Nevada, once the Bureau of Land Management and the Fish and Wildlife lands are considered. And Nevadans are no longer feeling ashamed of the fact that our state has less wilderness than our western neighbors, but realize that we have avoided rushing headlong into excessive wilderness designation. But most importantly, Nevadans realize that multiple use management <u>works</u>, and that contrary to what some would have us believe, wilderness designation is <u>not</u> the only way to protect pristine areas. Each of the fourteen areas proposed for wilderness in S.974 was previously managed for multiple use. The fact that these areas are

under consideration for wilderness designation is proof that intelligent multiple use management is effective.

I want to close my testimony with an observation which extends far beyond Nevada's borders. All of us are aware of the recent movements in China and the U.S.S.R towards a more democratic form of government. No doubt a vast majority of Americans see this as a very positive step towards world peace. But one thought which comes to my mind is that once these two super nations begin to seriously develop and exploit their vast natural resources, the United States will have great difficulty competing in the world commodity markets. Only by maintaining great flexibility in the future development of our mineral, timber, livestock, and agricultural resources through intelligent multiple use management of the Federal lands will America be able to maintain its current position as a world leader.

Senator BUMPERS. Thank you very much, Mr. Earnest.
Mr. Trinko.

STATEMENT OF MARK TRINKO, BLUE RIBBON COALITION, INC.

Mr. TRINKO. Imagine if you will, being present at the signing of the Constitution of the United States of America. Picture the overwhelming feeling of accomplishment and pride on the momentous occasion that has finally arrived after your long hard struggle to create our country which you would fight and die for. Probably the farthest thing from your mind is the control of this fine country by elected leaders that is not in harmony with the desire and intent of the majority populus.

We are faced with this very problem today in the wilderness issue. To date over 20,000 cards and letters have been sent to the legislators of our country telling of the desire to keep out any more wilderness in the State of Nevada. These residents, the people who live and work in the desert state are sending a message loud and strong of their desire. There are still tens of thousands more to come.

These residents would fill your hearing chambers for days and weeks on end could they afford to come to our Capitol. As you are well aware, the average American cannot take off work and hop on an airplane to deliver his message and offer testimony of facts which are so crucial to your decision being made on this matter, an issue as crucial as this, an issue that will affect how our descendants for years to come will see the country we have created for them, must receive attention affording any and all input prior to the decisionmaking process. Hearings in Nevada by this subcommittee are crucial.

Those of us who have been involved in this issue in the trenches for many years are familiar with the two sides and who the players are. I represent a coalition of all user types including conservationists, recreationist, mineral, livestock and government agencies. I have attempted many times to come to the negotiating tables with the senators who are sponsoring this bill that have said, "If you show me a road in the proposed area, I will remove it from my bill."

We have shown the roads over and over again on many occasions with pictures, film, and even offers of personal expense paid trips. This has all been to no avail.

Now as of late, the single use advocates, the environmentalists, have swung the pendulum further from the negotiating table as a result of life endangering sabotage of motorized recreation events. Many of our members organize events that allow individuals to experience the outdoors throughout our state in the form of permitted events. On more than one occasion large obstacles have been laid across event routes in areas that would not be seen until the participant was on top of them and it was too late.

Public land users have been injured as a result of these tactics.

One of my most frustrating experiences is that we are able to communicate and agree on many things with the Las Vegas Chapter of the Sierra Club, but prior to implementation the big brother

Sierra Club from the other side of the country puts the squash on the effort.

Working two days a week at the Las Vegas District BLM office and being a member of the Consolidated Resource Management Planning team in the District, I have plenty of opportunity to interact with my friends at the Department of Wildlife. On the whole, the wildlife biologists in that office agree that without the continued management of wildlife in these proposed areas, which include vehicular access to guzzlers and other structures, some species will die in their entirety.

I am a hunter, but I am also one who likes to take my six year old son to just sit in remote areas and watch God's animals. I call this quality time with my son. The desert has so few opportunities for this type of viewing. Please do not destroy the work done recently through the introduction of elk, big horn sheep, turkey and others.

The bill before you today deals only with the U.S. Forest Service lands. Having worked in the BLM office with the wilderness study areas for several years now, I am intimately familiar with the large quantity of acreage that will be recommended suitable by the Bureau in the near future. Some of this I can endorse as wilderness because I have personally conducted surveys in these areas.

If you take 132,000 acres of U.S. Forest Service land and add that to the BLM wilderness that is just around the corner, and the wilderness recommendations from other agencies as well, you will see that a very substantial portion of Nevada land will receive the wilderness designation. I urge you to please leave the rest to those multiple uses that are currently effectively using this area.

Five of our members are paraplegics that are restricted to wheelchairs. These are a small group of handicapped people that access nature on their ATV's that take them to these areas. Without the ATV access, they will never be able to experience this pristine nature again. In fact, there is now a nonprofit group that takes handicapped individuals and senior citizens into these pristine areas in four-wheel drive vehicles to allow them to experience what God has placed here on earth for all of us to enjoy.

It is important for you to know that our state legislature voted against this wilderness proposal 60 to 3, the county commissions against it 16 to 1, the Hecht hearings, which were well publicized, against 70 to 30 percent. In fact, in Las Vegas, the percentages were 79 to 21 percent.

The preservationists do not want hearings in Nevada because they know the pendulum has swung. Now that the facts are becoming known on federal wilderness, they can no longer muster popular support. Please listen to the residents of the state in which this proposal deals and do not allow a single use, species endangering condition to exist in such large quantity. Thank you.

Senator BUMPERS. Thank you. Mr. Sorensen. Is it Von Sorensen? Is Von your first name?

Mr. SORENSEN. Yes.

STATEMENT OF VON SORENSEN, NEVADA FARM BUREAU

Mr. SORENSEN. Mr. Chairman, Senators Reid and Bryan, it is my pleasure to be here with you today to give my testimony statement. My name is Von Sorensen. I am here representing the Nevada Farm Bureau, Nevada Cattlemens Association, Nevada Woolgrowers Association, Public Lands Council, Elko Chamber of Commerce, Nevadans for Practical Wilderness Policy and Wilderness Impact Research Foundation. I request, Mr. Chairman, that my written statement and attachments be included in the record.

Senator BUMPERS. It will be admitted.

Mr. SORENSEN. All of the elected officials in our county, after complying with the open meeting law, met in official session and voted unanimously to oppose any additional wilderness in Elko County.

In 1986, at the only official senate hearings held on wilderness, 53 percent of the people testifying opposed any additional wilderness or supported the 132,000 acre Vucanovich bill. Forty-seven percent supported wilderness in excess of that amount. Over the next two years there was a 17 percent shift, and at the informal senate hearings held in 1988, 70 percent opposed federal wilderness or supported the Vucanovich position, and only 30 percent favor wilderness in excess of the Vucanovich position. Six percent supported the bill that is before you today.

By mid August we will have over 40,000 letters demanding hearings in Nevada, and in a state the size of Nevada that will be the biggest letter campaign ever.

Virtually off the property owners surrounding the Ruby Mountains have signed a petition demanding that the mountains not be declared federal wilderness. I have placed a map depicting the Ruby Mountain, Humboldt Range area. In the red is indicated the proposed wilderness area that we are talking about in S. 974.

The Elko City Council and the Elko County Commissioners recently commissioned a study on federal wilderness proposals in Elko County. This is the only economic study in Nevada regarding federal wilderness. It was prepared by Dr. George Leaming of the Western Economic Analysis Center, Morana, Arizona. The study states, "The expansion of wilderness areas in Elko County, Nevada as recommended will depress the economic activity by a total of $52 million annually in Nevada, and by $28 million each year in Elko County."

It is possible that the Leaming study is too conservative because it fails to recognize the loss in value of private lands as a result of the effective loss of use of adjacent federal lands.

I have included a copy of the documentary on federal wilderness, which was recently filmed in Nevada. The documentary has been shown across the nation on PBS and on several cable networks. Please review this documentary to learn more about the impact S. 974 would have on Nevada.

The Governor's Committee on Public Lands passed a resolution in June requesting that Senate and House hearings be held in Nevada prior to the passage if any federal wilderness as a result of new evidence regarding federal wilderness.

Sabotage of hunters, ranchers, miners, loggers, utilities, builders, off-highway users, campers, skiers and fisherman has become a growing problem throughout our nation. Preservationists have become America's terrorists. In an attempt to intimidate the people of Elko county there has been a growing number of terrorist incidents. Recently, the Chukars Unlimited game production farm was sabotaged causing over $16,000 in damage and the destruction of over 1,000 chukar eggs, and the release and resulting death of several under chukar and pheasants. A preservationist organization took credit for the sabotage.

In April, tractors were sabotaged just down the valley from our family ranch and just outside the proposed wilderness area. In Elko County, a local bank, the Rotary Club, the Farm Bureau and the Woolgrowers have put up over $7,000 in rewards to catch the sabateurs of the game production incident.

There have been articles in virtually every preservationist magazine since Edward Abbey died this spring eulogizing Abbey and promoting his book, "The Monkey Wrench Gang." As an example, the June edition of "Backpacker—The Magazine of Wilderness Travel" has an editorial praising Edward Abbey that states, "To stop wilderness ravaging, Abbey's characters gleefully spiked trees to save them from the sawmills and poured sand in the gas tanks of bulldozers being used to rip roads into wilderness areas. Such 'monkey wrenching' has since become standard practice * * * so go find a copy of 'The Monkey Wrench Gang.' 'Pay homage to Ed Abbey.' "

Using "The Monkey Wrench Gang" as inspiration, an organization called Earth First was formed by Dave Foreman, former lobbyist for the Sierra Club. Foreman and Abbey then collaborated on a book called "Ecodefense: A Field Guide to Monkeywrenching."

Edward Abbey and Dave Foreman have been the main sabotage leaders, but the Sierra Club leaders and other preservationist organization leaders must share the responsibility. They have been promoting Abbey and his theories.

The residents of Nevada have colonial status in the Union rather than the status of a state, due to the fact that 87 percent of the land area is under the control of the Federal Government.

During the Civil War, Nevada came to the rescue of the Union, providing the silver to save the Union. Now Nevada provides much of the gold the nation uses, but Nevada has never been rewarded with full control of the land in her state. It is inconceivable that Nevada's residents be further restricted from the use of the land through increased wilderness designation.

No additional federal wilderness should be designated in Nevada until the Senate and the House hold meaningful hearings in Nevada to determine the impact of federal wilderness. A vote for this bill today means a vote for elimination of game management, a vote for devastating uncontrolled fires, a vote for sabotage and terrorism, and a vote against the wishes of the people of Nevada.

Please come to Nevada before taking any further action on this bill. Thank you.

[The prepared statement of Mr. Sorensen follows:]

TESTIMONY

submitted by

VON SORENSEN

before the

United States Senate Energy and Natural Resources Subcommittee on Public Lands, National Parks and Forests

July 24, 1989

on

S. 974

My name is Von Sorensen. I am here representing the Nevada Farm Bureau, Nevada Cattlemens Association, Nevada Woolgrowers Association, Public Lands Council, Elko Chamber of Commerce, Nevadans for a Practical Wilderness Policy and Wilderness Impact Research Foundation.

I work on the land every day keeping water open for livestock and wildlife, raising crops which feed the livestock and wildlife, delivering salt, controlling weeds and other pests.

The first trappers came to Nevada in the 1830's and nearly starved to death before getting back to Idaho. That situation has changed dramatically with the improvements made by agriculture and hunters. Deer herds now number in the 10's of thousands. There is now a healthy antelope population. This favorable situation will be reversed if the land is designated federal wilderness. Federal wilderness prevents effective predator control, prevents control of weeds and pests, and prevents the development of water.

People in the agriculture and livestock industry have properly established the right to graze livestock on the federal land in the western states beginning in the middle of the last century. This right is being threatened and in some instances has been obliterated through wilderness designation.

All of the elected officials in our county, after complying with the open meeting law, met in official session and voted unanimously to oppose any additional wilderness in Elko County.

People in Nevada are becoming more aware of the negative aspects of federal wilderness. In 1986 at the only official Senate hearings held on wilderness 53% of the people testifying opposed any additional wilderness or supported the 132,000 acre Vucanovich bill; 47% supported wilderness in excess of that amount. Over the next two years there was a 17% shift and at the informal Senate hearings held in 1988 70% opposed federal wilderness or supported the Vucanovich position and only 30% favored wilderness in excess of the Vucanovich position; 6% supported the bill that is before you today. As a result of this trend opposing federal wilderness and the economic studies, wildlife studies and experience of Nevadans there is now a growing demand for hearings in Nevada. By mid-August we will have over 40,000 letters demanding hearings in Nevada and in a state the size of Nevada that will be the biggest letter campaign ever.

Virtually all of the property owners surrounding the Ruby Mountains have signed a Petition demanding that the mountains not be declared federal wilderness. I have placed a map on the easel showing their names and property locations.

The Elko City Council and the Elko County Commissioners

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recently commissioned a study on federal wilderness proposals in Elko County. This is the only economic study in Nevada regarding federal wilderness. It was prepared by Dr. George Leaming of the Western Economic Analysis Center, Marana, Arizona. The study states,

> "The expansion of wilderness areas in Elko County, Nevada as recommended...will depress economic activity by a total of $52 million annually in Nevada and by $28 million each year in Elko County. These losses will be in addition to the economic losses caused each year by the already existing wilderness area in Elko County. Over the 20 years of the next generation the economic loss caused by the proposed expansion of wilderness area in the County will amount to a total of more than $1 billion for the Nevada economy."

This study is a substantial start on what needs to be done to determine the economic impact of federal wilderness. Before Congress moves forward with a bill that will be so devastating to the economy of just one county the entire state should be considered.

The loss of tax revenue for local schools and services will be substantial. It is possible that the Leaming study is too conservative because it fails to recognize the loss in value

of private lands as a result of the effective loss of use of the adjacent federal lands.

I have included a copy of the documentary on federal wilderness which was recently filmed in Nevada. The documentary has been shown across the nation on PBS and on several cable networks. Please review this documentary to learn more about the impact S. 974 would have on Nevada.

The Governor's Committee on Public Lands passed a Resolution in June requesting that Senate and House hearings be held in Nevada prior to the passage of any federal wilderness as a result of new evidence regarding federal wilderness. Some of the new issues include the Leaming economic study, the recreational studies, including the Utah State Study by Dr. Bruce Godfrey, which show that recreation in federal wilderness lands is declining dramatically and that recreation on non-wilderness lands is increasing. And, then there is the sabotage issue.

SABOTAGE!!

Sabotage of hunters, ranchers, miners, loggers, utilities, builders, off-highway users, campers, skiers, and fishermen has become a growing problem throughout our nation. There are instances from Florida to Alaska of preservationist organizations conducting acts of sabotage to intimidate people from opposing their preservationist policies. Preservationists have become America's terrorists!! In an attempt to intimidate the people of

Elko County there have been a growing number of terrorist incidents. Recently the Chukars Unlimited game production farm was sabotaged causing over $16,000 in damage and the destruction of over 1,000 chukar eggs and the release and resulting death of several hundred chukar and pheasants which were killed crossing the highway and by city cats and dogs. A preservationist organization TOOK CREDIT for the sabotage. In April tractors were sabotaged just down the valley from our family ranch and just outside of the proposed wilderness area. The tractors were being used to plant a crop of grain. In Elko County a local bank, the Rotary Club, the Farm Bureau and the Woolgrowers have put up over $7,000 in rewards to catch the saboteurs of the game production farm incident.

There have been articles in virtually every preservationist magazine since Edward Abbey died this spring eulogizing Abbey and promoting his book The Monkeywrench Gang. As an example, the June edition of "Backpacker - The Magazine of Wilderness Travel" has an editorial praising Edward Abbey that states,

> "To stop wilderness ravaging, Abbey's characters gleefully spiked trees to save them from the sawmills and poured sand in the gas tanks of bulldozers being used to rip roads into wilderness areas. Such "monkeywrenching" has since become standard practice...So go find a copy of THE MONKEYWRENCH GANG. Pay homage to Ed Abbey."

Using The Monkeywrench Gang as inspiration an organization called EARTH FIRST! was formed by Dave Foreman former lobbyist for the Sierra Club. Foreman and Abbey then collaborated on a book called Ecodefense: A Field guide To Monkeywrenching.

David Brower the Executive Director of the Sierra Club for 17 years was quoted by his son in the fall 1988 issue of "HARROWSMITH",

> "EARTH FIRST! makes FRIENDS OF THE EARTH look reasonable. What we need now is an outfit to make EARTH FIRST! look reasonable."

David Brower's son went on to speculate,

> "I wonder what the agenda of such an outfit would be. Kneecapping Freddies? Strafing runs on logging trucks?" (The preservationists call Forest Service Rangers Freddies.)

Edward Abbey and Dave Foreman have been the main sabotage leaders, but the Sierra Club leaders and other preservationist organizations leaders must share the responsibility. They have been promoting Abbey and his theories.

Hunters, recreationists, ranchers, and industry have become so concerned about this issue that the Wilderness Impact Research Foundation has established an 800 number, 1-800-SABOTAGE, to gather this sabotage information.

The research of the Wilderness Impact Research Foundation indicates that the closer you are to a wilderness area or proposed wilderness area the higher your chances are of being sabotaged.

What are some of the problems with S.974?

1. The water provisions in this bill are totally unacceptable. They provide that the federal government will control the waters in wilderness areas and prevent municipalities, recreationists, farmers, ranchers, miners and all other users from ever utilizing these waters.

2. This bill will set a precedent for the huge wilderness proposals that we can expect on the Bureau of Land Management, National Wildlife Refuge and Park Service lands. We cannot accept this precedent.

3. Fire control is essential for proper rangeland management. Livestock grazing is a very important tool to prune the forage growth to minimize wild, uncontrollable fires.

4. Finally, perhaps the greatest concern is that the snail darter, the desert tortoise, and the spotted owl all have advocates proclaiming their right to land. But what about the people?

It does not make any sense to kick the present generation off the land to preserve it for future generations. The impacts of wilderness on people should be the primary issue to be addressed, but this has not been done. S.974 should not proceed any further until these impacts have been properly studied and analyzed.

The Forest Service has the regulations and authority necessary to properly manage the federal land under the multiple use system. Wilderness designation means essentially no proper management or utilization by the various user interests.

My father is the one who really should be here testifying. He has been ranching in Utah and Nevada all of his life. He is now 89 years old. I want to read just two parts from an affidavit that he prepared on this wilderness issue,

> "My family ranching operation includes federal grazing rights. In the allotments we have we utilize roads which have been used for over 70 years by ranchers, hunters and campers. Periodically since 1939 those roads have been repaired with mechanical equipment.

Now that those roads have been included in wilderness study areas the federal government now prevents my family from repairing certain of those roads which they call "ways". We are now unable to haul water to our livestock or to move our sheep camps on those roads. On other roads the federal government has granted us the right to repair them but prohibits us from using mechanical equipment. We must repair them with pick and shovel only."

I think that it is unfair to force my father to now go back to a pick and shovel in this age of mechanization.

The residents of Nevada have colonial status in the Union, rather than the status of a state due to the fact that 87% of the land area of the state is under the control of the federal government. During the Civil War Nevada came to the rescue of the Union, providing the silver to save the Union. Now Nevada provides much of the gold the nation uses. But, Nevada has never been rewarded with full control of the land in her state. It is inconceivable that Nevada's residents be further restricted from the use of the land through increased wilderness designation.

No additional federal wilderness should be designated in Nevada until the Senate and the House hold meaningful hearings in Nevada to determine the impact of federal wilderness. A vote for

this bill today means a vote for elimination of game management; a vote for devastating, uncontrolled fires; a vote for sabotage and terrorism; and a vote against the wishes of the people of Nevada. Please come to Nevada before taking any further action on this bill.

Thank you.

THE ADVERSE ECONOMIC IMPACT OF WILDERNESS LAND WITHDRAWALS IN ELKO COUNTY, NEVADA

A study of the effects on personal income, business sales, and state and local government revenues in Elko County and Nevada of proposed wilderness land withdrawals in Elko County

Prepared by

George F. Leaming, Ph.D.

WESTERN ECONOMIC ANALYSIS CENTER
MARANA, ARIZONA

February 1989

SUMMARY

The expansion of wilderness areas in Elko County, Nevada, as recommended by the United States Forest Service and the United States Bureau of Land Management and as proposed in the Congress of the United States, will depress economic activity by a total of $52 million annually in Nevada and by $28 million each year in Elko County. These losses will be in addition to the economic losses caused each year by the already existing wilderness area in Elko County. Over the 20 years of the next generation, the economic loss caused by the proposed expansion of wilderness area in the county will amount to a total of more than $1 billion for the Nevada economy. That is equivalent to a price of $2,426 per acre that the people of Elko County and Nevada will have to pay for the proposed 428,000 acres of public land that will be withdrawn from multiple public use by designation as wilderness under the current proposals.

The total economic loss will be the result of restricting general public access to and use of both public and private lands in the Jarbidge Mountains of north-central Elko County, in the Rough Hills and Bad Lands areas, also in the north-central part of the county, in the Bluebell, Goshute Peak, and South Pequop areas in the southeastern part of the county, in the Ruby Mountains of south-central Elko County, and in the Little Humboldt River and Owyhee Canyonlands areas in the northwestern part of the county. About 65,000 acres in the Jarbidge Mountains are presently withdrawn from multiple public use in the Jarbidge Wilderness Area. The proposed additions to that area and the other recommended withdrawals in Elko County would increase the total amount of public domain withdrawn from multiple public use in wilderness areas in the county by almost eight times, to over 493,000 acres, an area more than five times the size of Carson City.

The economic losses will be suffered directly in Elko County by net reductions in out-of-county visitor travel and recreation, by reductions in the county's livestock industry, and by an effective prohibition of future mineral resource development in areas of the county with significant potential for such development. The losses to the Nevada economy will be caused directly by the loss of potential mineral industry, tourist, and agricultural activity in Elko County and indirectly by the loss of mining, agricultural, and tourism industry purchases from other Nevada businesses outside of Elko County as well as by the loss of recirculated personal, business, and government income from Elko County, the loss of taxes and fees paid to the State of Nevada by Elko County businesses and individuals and adversely impacted businesses and individuals elsewhere in the state. Those indirect losses will be the result of the ripple effect that multiplies both the favorable and unfavorable impacts of any change in economic conditions in any of the state's counties and spreads that impact throughout the entire state. The structure of the Nevada economy dictates that the biggest part of the indirect income losses caused by wilderness withdrawals in Elko County will be felt in the Las Vegas and Reno metropolitan areas and in Carson City.

THE LEGACY OF EDWARD ABBEY 1927-1989

Edward Abbey's words have had power far beyond the dust covers of his books. But because they exist in such a form, his words will be powerful for many years.

On March 14, Edward Abbey died of complications from surgery. He was buried in his beloved desert. In a departure from the usual editor's note, we asked Contributing Editor M. John Fayhee, who once had the privilege of chatting with Abbey, to write a eulogy within the context of the environmental movement.

—John Viehman

Cactus Ed Abbey has moved on to the great slickrock country in the sky. Unless there's some undiscovered file stuck back in his office, we've heard the last of George Washington Hayduke and Seldom Seen Smith and the other wilderness warriors who comprised Abbey's best and best-known novel, *The Monkey Wrench Gang*.

It has been a while since I read of The Gang's fictional exploits, been a while since I thought about Abbey and his save-the-wilderness-at-any-cost stance. His death slapped me in the face, though, and made me question a conclusion I had come to a few years back. Somewhere along the line, I had decided that Abbey was not the hard-edged environmental messiah some proclaimed him to be. Instead, I saw him as a writer who spent much of his life—especially the last 10 years—preaching to the converted, when he should have been standing on a soapbox shouting at the unconverted masses.

When the environmental movement as we know it took shape in the mid-1960s to mid-1970s, Abbey was in the thick of it, and proselytization was the whole enchilada. After all, it's hard to have a movement without people.

But the conversion fervor has fallen by the wayside. The environmental movement in general has either been unable or lacked the desire, to do anything except preach to the converted. I've talked to professional and volunteer environmentalists about this, and their responses have been strikingly diverse in their agreement. A former chairman of the Colorado Environmental Coalition told me he didn't have time to work on conversion, that he was too mired in the trenches to worry about tacking up recruitment posters. A Sierra Club staffer lamented that membership figures jump only when negative local issues surface, such as the discovery of an old toxic-waste dump underneath a middle-class, suburban subdivision.

The point is that proselytizing about the environment for its own sake is on the back burner these days, for whatever reason—hardly a satisfactory situation in these environmentally critical times.

Abbey, I realize now that he's gone, did affect people. He went out on a limb with *The Monkey Wrench Gang* and struck a freedom bell for the environment that continues to ring. Through the guise of an absorbing novel, he placed his cast of radicals in front of the American public. Okay, so vast numbers of minions of the techno-industrial complex haven't read the book and been converted. But Abbey converted nonetheless—if not from nonenvironmentalism to environmentalism, then at least from bystanding to activism.

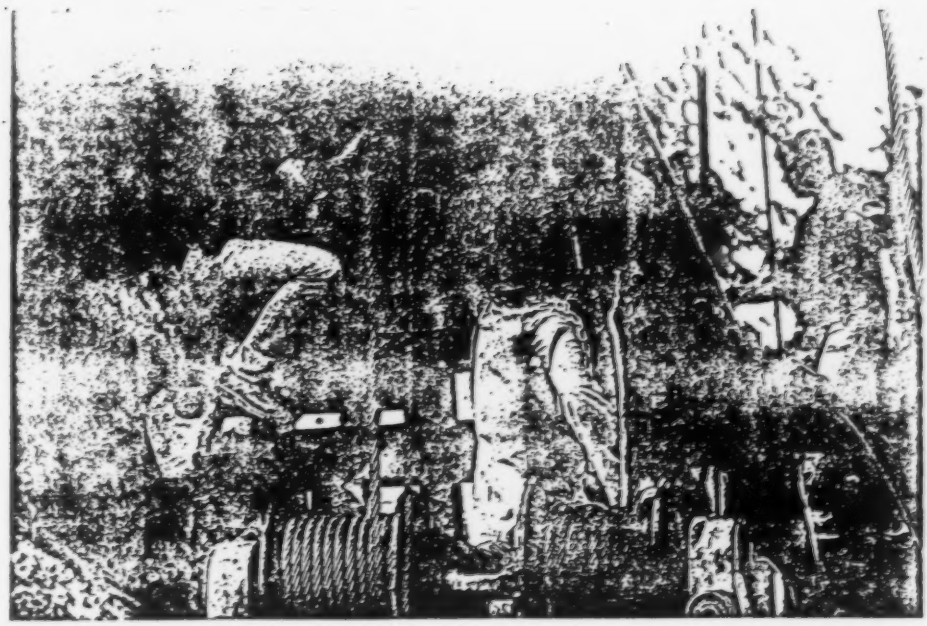
[redacted] used to tip bulldozers into wilderness areas. Such action—"monkeywrenching" has since become standard practice for some of the more radical elements in the environmental movement, much to the horror of their more mild-mannered compatriots. But approve or disapprove of the Monkey Wrench Gang's techniques, there's no question that they've jolted passive environmentalists out of their easy chairs and into the maelstrom. You don't have to take the book literally; just absorb the message—and I mean believe it—that it's time for action.

[redacted] a man who, even though he spent most of his time preaching to the converted, at least preached with conviction and kicked his followers into action. Read it while lying in the sun, then close your eyes and imagine that George Washington Hayduke has sprung back to life, and he is us.

PHOTO BY TERENCE MOORE

"When I take on my next incarnation, my bones will remain bleaching nicely in a stone gulch under the rim of some faraway plateau, way out there in the back of beyond."

—from the Abbey Home, 1977



An Earth First!er chained to a yarder, a large logging winch. Right: Mike Roselle, one of Earth First!'s founders and a leading proponent of civil disobedience in defense of wilderness.

tice of what my brother attempted that day. After a certain amount of head-scratching, the two fathers figured how to switch the machine off. "It was going to run itself into the ground and burn itself up," my brother says today, wistfully. "They saved $150,000-worth of equipment." He shrugs.

Tommy's father, Daniel Luten, was a neighbor whom my father conscripted in the environmental wars, and he was later to become a president of Friends of the Earth himself. For Earth First!ers, I suppose, the deed of the two fathers might seem symbolic – two mainstream environmentalists shutting off the bulldozer, ruining a perfectly good piece of ecotage.

But Earth First! usually goes easy on my father. David Brower is one of the few members of the Old Guard whom the tribe generally admires. The admiration is mutual. "Friends of the Earth made the Sierra Club look reasonable," my father likes to say. "Earth First! makes Friends of the Earth look reasonable. What we need now is an outfit to make Earth First! look reasonable." I suppose he is right. I wonder, though, what the agenda of such an outfit would be. Kneecapping Freddies? Strafing runs on logging trucks?

As we walked down that Portland street – the yips and whoops of the young Earth First!ers echoing from the skyscrapers – I was a little melancholy. I found it depressing to think that already, in my early forties, I was less youthful than my father at 75.

Dave Foreman emerged from the gate at Portland Airport. He wore a corduroy jacket, jeans and cowboy boots. He moved a little stiffly. It had been a long plane ride, and Foreman's knees have never been right since their encounter with Les Moore.

"Tell me what I'm doing here today," he asked Mitch Friedman. His voice was rough from too much speaking. Friedman informed him that he was addressing law students at Lewis and Clark College at 5:00, then a Reed College audience at 8:00.

To restore Foreman's voice and spirits, his men conveyed him to the Barley Mill, a local beer hall. Foreman's reputation is as a beer-drinking redneck. It is a public persona he helped build himself, so he could not very well resist the solicitude of his troops. At this stage of his career, if truth be told, he would just as soon relax with a glass of wine. Beer is the amniotic fluid of Earth First!, however, and he did not have to fake a residual fondness for it. We prepared for his speech by drinking several pitchers of a dark local draft called Terminator.

A packed lecture auditorium at Lewis and Clark College gave Foreman a big ovation. How much was admiration for the man, and how much gratitude for his finally showing up, was hard to say. Delayed by Terminator and the devotion of his men, he was half an hour late.

"I understand y'all are law students," Foreman began. There was a swelling murmur of laughter and protest – not all the crowd were law students, clearly. "Well, it's a pleasure to be here. It's nice to come up where it's wet and some of the trees are still big and green. Where I come from, the trees are shaped like this . . ." he curved his arms like the branches of a saguaro cactus, ". . . and they have big spines on them."

VETERANS OF FOREIGN WARS OF THE UNITED STATES

Resolution No. 330

DETERMINE NEGATIVE IMPACT OF DESIGNATED FEDERAL WILDERNESS AREAS

WHEREAS, veterans and their families are being closed out of excessive amounts of public lands as a result of the enactment by Congress of excessive federal wilderness designations; and

WHEREAS, 90 million acres of public land has already been designated federal wilderness and, without holding any oversight hearings, Congress is presently considering designating millions of additional acres of federal wilderness. At present there is in excess of 120 million acres of public land in wilderness study area status which added to the presently designated wilderness would equal an area the size of California, Nevada and Utah; and

WHEREAS, disabled veterans, aged veterans, children and others are locked out of federal wilderness because wheelchairs and other vehicles are prohibited; and

WHEREAS, federal wilderness is detrimental to wildlife because effective wildlife management is prohibited; and

WHEREAS, excessive wilderness threatens our national security because the military is prohibited from training in or near wilderness areas and the recovery of strategic minerals necessary for our national defense is prohibited; now, therefore

BE IT RESOLVED, by the 89th National Convention of the Veterans of Foreign Wars of the United States, that we petition Congress to conduct oversight hearings to determine the impact of presently designated federal wilderness and further petition Congress to designate no additional federal wilderness until the negative impact on veterans and their families and national security are eliminated.

PASSED AT NATIONAL CONVENTION - 1988

Submitted by Department of Nevada

To Committee on GENERAL RESOLUTIONS

Resolution No. 330

NATIONAL ASSOCIATION OF COUNTIES

RESOLUTION

WHEREAS, 729 million acres or 92 percent of the public lands in the United States are located in 12 western states; and

WHEREAS, the majority of citizens and their locally elected officials, when polled, believe that enough wilderness has already been designated and oppose any significant additions; and

WHEREAS, multiple use and sustained yield philosophies more correctly represent the interest of the citizens in or near the areas impacted by public lands, both sociologically and economically; and

WHEREAS, current proposals before Congress are attempting to greatly expand wilderness designations without proper consideration for local input from county elected officials; and

WHEREAS, county elected officials representing the concerns of their constituents are keenly aware of the rich heritage, the natural beauty, the natural resources, and the water quality of their local environment;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Counties supports the requirement of Congressional communication with and involvement of local county elected officials on all wilderness issues before any final decision on additional wilderness is determined.

NATIONAL RIFLE ASSOCIATION RESOLUTION

WHEREAS, lawful hunting has been significantly curtailed by certain unreasonable regulations adopted as a result of the expansion of the National Wilderness System and National Park System; and

WHEREAS, these arbitrary and capricious regulations in fact do not promote the interests of wildlife conservation or the responsible public enjoyment of wilderness lands, contrary to the intent of Congress; and

WHEREAS, The National Rifle Association of America in fulfillment of its purposes to promote hunting and the conservation and wise use of our renewable wildlife resources has become increasingly concerned with this abridgement of the rights of law abiding citizens; now, therefore, be it

RESOLVED, that The National Rifle Association of America opposes any further expansion of the National Wilderness System and National Park System implementing regulations which do not adequately recognize and preserve existing hunting access and wildlife management opportunities; and be it further

RESOLVED, that The National Rifle Association of America supports the restoration of hunting access and sound wildlife management practices in such areas where they have been improperly curtailed.

AMERICAN FARM BUREAU RESOLUTION - 1987

Wilderness Areas:

Experience has shown that the "no management" concept applied to certain areas under the Wilderness Act of 1964 has resulted in the serious degradation of the resource. A preponderance of evidence has demonstrated that the removal of all man-made facilities has resulted in sanitation and health problems that threaten the values the Act was designed to preserve. Established wilderness criteria further threaten such areas by prohibiting the employment of power tools and vehicles in watershed management, trail maintenance, soil treatment, noxious weed control, waste management and fire protection. (Continued).

AFFIDAVIT OF JULIAN GOICOECHEA

I am Julian Goicoechea, 71 years old and have been a Nevada rancher all of my life.

In 1985 in the Charleston area of Northern Elko County, we repaired an old existing road just enough to get by and to move a sheep camp to the old Kincade homestead, which had been deeded property in the 1930's and which had been fenced and had buildings put on it. There were no signs on either end of the road which leads to the springs where the house formerly was. We built 3 small ponds near where the buildings were, which were left open to wildlife or other stock. I did not have this done for malice in repairing as no one had told me that the ground was not still deeded. I had the work done and knew nothing of this until confronted by a U.S. Marshal. I was informed that I had been in trespass on a Wilderness study area.

This road had been used by vehicles of one kind or another for the past 50 years, including deer hunters. We were forced to go back and make the road impassable and fill in the ponds so they were of no use to any animal or wildlife and to reseed at our expense and were fined $3,000.00.

Julian Goicoechea
JULIAN GOICOECHEA

STATE OF NEVADA)
) SS.
COUNTY OF EUREKA)

On the 2nd day of December, 1985, personally appeared before me, a Notary Public, JULIAN GOICOECHEA, who acknowledged that he executed the foregoing instrument.

OFFICIAL SEAL
SHIRLEY ALLISON
Notary Public-Nevada
EUREKA COUNTY
My Comm. Exp. SEPT 29,1989

Shirley Allison
NOTARY PUBLIC

AFFIDAVIT OF LOYD SORENSEN

1) I am a Nevada rancher. I have been ranching in Nevada since 1936 and previous to that I was ranching in Utah. I was born in Utah in 1900.

2) My family ranching operation includes Federal grazing rights. In the allotments we have, we utilize roads which have been used for over 70 years by ranchers, hunters and campers. Periodically, since 1939, those roads have been repaired with mechanical equipment.

3) Now that those roads have been included in Wilderness study areas, the Federal Government now prevents my family from repairing certain of those roads which they call "ways". We are now unable to haul water to our livestock or to move our sheep camps on those roads. On other roads the Federal Government has granted us the right to repair them but prohibits us from using mechanical equipment and we must repair them with pick and shovel only.

4) In the Wilderness study areas the Federal Government now prohibits any trapping or hunting of predators, thus preventing my family from protecting our livestock as has been done for livestock in this area for in excess of 100 years.

5) These Wilderness restrictions and prohibitions placed on my family by the Federal Government reduces our ability to graze our livestock, reduces the value of our ranch, and reduces the quality of our lives.

DATED this 27th day of December, 1985.

Loyd Sorensen
LOYD SORENSEN

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

On the 27th day of December, 1985, personally appeared before me, a Notary Public, LOYD SORENSEN, who acknowledged that he executed the foregoing affidavit.

NOTARY PUBLIC

DOREEN S. SAMPER
Notary Public - State of Nevada
Elko County, Nevada
My appointment expires Feb. 18, 1989

AFFIDAVIT OF FRED DRESSLER

1. That I am an 87 year old rancher. I operate a family ranch with the main headquarters in Gardnerville, Nevada.

2. Our family has been grazing cattle on lands now the Toyabe National Forest just across the Nevada border in California since 1860.

3. In that area we have been using three reservoirs that were built in 1893 by Chinese labor. Our family and three other families use this water for irrigation.

4. In about 1964 this area was designated Wilderness by Congress.

5. The Forest Service as a result of the Wilderness designation now prohibits my family and my neighbors from maintaining these reservoirs as we had previously. We are prevented from using any of our motorized ranch equipment or the roads that were there and roads that had been used for over 90 years.

6. We are now required to haul our Fresnoe Scraper, Lumber, cement, etc., in by helicopter. The helicopter is not allowed to land.

7. The helicopter costs us in excess of $300.00 per hour and the labor costs to repair the reservoirs have soared since all the repairs must be done with horsedrawn equipment and hand equipment.

8. We are not allowed to use chain saws or any other mechanical equipment to repair the reservoirs.

9. This inflicts an unnecessary, ridiculous burden on our operation seriously impairing the operation and maintenance of our water rights and reducing the value of the ranch that our family has developed.

Fred Dressler

FRED DRESSLER

STATE OF NEVADA)
) SS.
COUNTY OF Douglas)

On the 25 day of NOVEMBER, 1985, personally appeared before me, a Notary Public, FRED DRESSLER, who acknowledged that he executed the foregoing document.

Arlene Mai Lombardo

Notary Public

My Appointment Expires Oct 6, 1988

AFFIDAVIT OF

VERNON W. AGEE

I am 52 years old and I have ranched in Idaho all of my life. My family had a grazing allotment adjoining a Wilderness area which was created in 1964.

After the creation of the Wilderness area the Forest Service began increasing the restrictions on our grazing operation, making changes in our periods of use and reducing the number of cattle we were permitted to graze. The Forest Service discontinued one allotment due to the proximity of the Wilderness area.

There were 13 different ranchers who grazed either in the Wilderness area or in the adjoining area. They were all treated the same way as a result of the Wilderness. None of them presently graze livestock in that area.

DATED this 22nd day of January, 1986.

Vernon W. Agee
VERNON W. AGEE

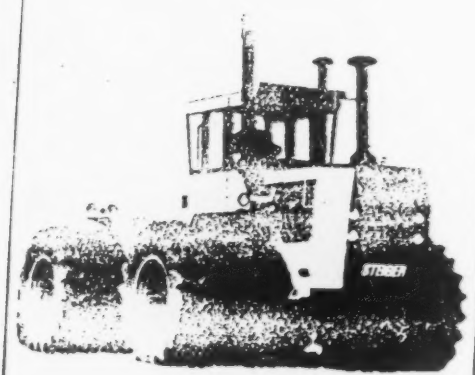
STATE OF IDAHO)
) SS.
COUNTY OF Idaho)

On the 27th day of January, 1986, personally appeared before me, a Notary Public, VERNON W. AGEE, who acknowledged that he executed the foregoing instrument.

Patricia A. Kinzer
NOTARY PUBLIC

1988 Policies

Nevada Farm Bureau Federation



This book contains resolutions adopted by Nevada Farm Bureau voting delegates through the 68th annual convention in Winnemucca, November, 1987.

Public lands, wilderness hearings

Nevada Farm Bureau opposes any further additions to the federal wilderness system on the public lands of Nevada. We commend the Nevada Cattlemen's Association, Nevada Woolgrowers Association, Nevada Mining Association, Elko Snow Goers Club and all the many other organizations and government entities which supported the position that no more wilderness is needed in Nevada.

We also recommend that all wilderness hearings, and any other hearings held to gather information for writing legislation, be held in the states and communities most affected. Since this is one of our major concerns, we urge state and national Farm Bureau officers to address this problem immediately.

One of our basic rights as Americans is the right to self-government, but many citizens who are concerned about the wilderness question are effectively being denied that right. This is because wilderness hearings applying to Nevada are usually held in Washington, D.C. Few citizens can afford to travel that far to testify.

Research, College of Agriculture

Nevada Farm Bureau encourages the University of Nevada College of Agriculture administration to develop and implement change to better meet the research needs of Nevada agriculture. Farm Bureau stands ready to assist this endeavor.

Research, laboratory test equipment

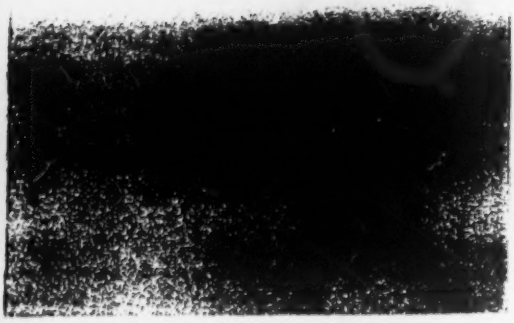
We recommend that the Nevada Department of Agriculture and the University of Nevada be adequately equipped with the proper technical testing equipment necessary for *prompt*, accurate answers when we take our samples for testing in the various research and testing laboratories.

Agriculture is farmers' means of obtaining a livelihood, and when we are faced with potential problems, we often look to the experts for some answers.

In this regard, we appreciate the efforts of our county Extension Service agents in assisting us by providing helpful information and by taking samples to be forwarded to the proper testing centers and laboratories.

SUMMARY OF POLICY

Nevada Cattlemen's Association



Encourages the amendment of the Forest and Renewable Resource Planning Act of 1974 to recognize the economic value of range livestock grazing and give credit to resource improvement.

PL 14, 1986

Encourages Nevada to demand that federally controlled land be turned to the state, or people of the state, in compensation for each impact caused by demand or action on federal lands within the state, recognizing that Nevada residents are unduly impacted because 87% of our land is under federal control.

PL 15, 1986

Encourages Nevada to demand that federally controlled land be turned to the state, or people of the state if Nevada must accept the impact of a nuclear dump site.

PL 16, 1986

Encourages Nevada's Congressional Delegation to require that hearings be conducted not only in Washington DC but also in strategic locations in Nevada, before changes occur in wilderness legislation or future land use legislation that involves Nevada

PL 10, 1987

Encourages Nevada to file suit against the Bureau of Land Management requiring that wild horse numbers comply with the 1971 Wild & Free Roaming Horse & Burro Act. Federal land agencies are also encouraged to give priority to removing horses upon request from private lands.

PL 11, 1987

Encourages support of Executive Order No 12548 which maintains the Public Range Improvement Act's grazing fee formula as fair and equitable.

PL 12, 1987

Senator BUMPERS. Mr. Sorensen, just last week we had a bill before this committee to establish a national monument in Calument, Michigan, which at one time was a big copper producing area in the United States. The mines there were closed in the 1960's and they want to restore, not the mines, but the history of the mines and so on. Some of the testimony here said that the copper mines there provided the turning point for the Union victory. Now here you come in and say Nevada turned the tide for the Union. I do not know who to believe. I do not like either one of them.

Mr. SORENSEN. Nevada did provide silver for the Union at that time. Without the financing——

Senator BUMPERS. I know. I was saying that in jest. Gentlemen, let me say to you that we appreciate your testimony, we appreciate your feelings about this. I would be remiss if I did not say that I have difficulty. I am not fully familiar with Nevada, unlike the people who live there, but it would be very difficult for me to see how one percent of the land in that state is going to have the terrible adverse consequences on water rights, hunting, recreation and so on when all of those things are permitted in wilderness designation.

Mr. Trinko makes a point that there has always been a problem with me on wilderness areas, and that is the paraplegics and the people who are old and disabled. It seems almost harsh to prohibit those people from enjoying the asthetic values of these areas. But I would just make this observation. Incidentally, when it comes to haste, this bill has been around I think longer than any bill dealing with wilderness in Congress, even longer than the Idaho bill. Hearings have been held extensively here and in Nevada. It is hard for me to accept the idea that we are acting in haste.

Let me also say that I am one who believes in wilderness areas. I fought this battle in my state at considerable at that time, political sacrifice. There were a lot of people who were very strongly opposed to wilderness designation in my state. I went down there and I spent two or three days. We are talking about peanuts in my state, 100,000 acres, but we do not have that much forest land. But the Forest Service wanted 26,000 acres, I wanted 125,000 acres. We wound up compromising at 100,000.

Today, as is so often the case of these areas, I do not believe you could find a timberman, a hunter, a miner, anybody who would tell you that we made a mistake, that we set aside too much wilderness area. When I look back at some of the things that were done years and years ago like Central Park in New York, The Commons in Boston, Yellowstone, all those areas that were set aside, a lot of people were violently opposed to those.

Just recently I blocked the development of—I say I. I along with my colleagues in the Senate—blocked the development of 567 acres of land that in my opinion would have destroyed the historical value of the Manassas Battle Field Park, at a tremendous cost, in dollars. I just could not see General Lee's headquarters being used for a shopping mall. I think our heritage there is very important.

You very seldom hear anybody, a few years after the fact, say I wish they had not done that, I wish they had not taken so much

land. I have never in my entire life heard anybody make that statement. Mr. Sorensen.

Mr. SORENSEN. May I respond?

Senator BUMPERS. Yes.

Mr. SORENSEN. We in Nevada have been looking at our neighbors in Idaho, Utah, California, Montana, Wyoming and the other surrounding states where they already have an abundance of wilderness. We have talked with those people. They have indicated to us that there have been devastating impacts because of wilderness designation over the last number of years, since 1964, to many communities there that were involved in timber harvest, in grazing, in mining, recreation, and in almost every instance the result has been that the communities have been either entirely shut down or partially shut down because the sawmills were closed, the mines were shut down, the grazing has been restricted, the recreation has been restricted and has been on the downhill decline in most of those areas. There have been studies by Dr. Godfry of Utah State University, another study authorized by Senator Simms indicating the same thing.

Like I say in my statement, Dr. Leaming's study in Nevada is the first economic study that has taken place there regarding the economic impacts of wilderness upon people and communities, and that is what we are requesting, that adequate study be made that has not been made to determine what the real impacts are before we dive into a situation that is going to be detrimental to the people in the local areas.

Senator BUMPERS. Mr. Sorensen, let me say this. Under the mandate of the Congress to study these areas, the so-called RARE II studies, you have over two million acres in Nevada that are going to be managed for wilderness from now on if we do not do something here.

Mr. REID. Three-point-two.

Senator BUMPERS. Three-point-two million acres that are going to be managed for wilderness purposes from now on. I do not think any of you who have all spoken well and eloquently about your opposition to this legislation, I do not think that is a result that anybody here for or against wilderness wants to continue.

I can tell you your timber people may be opposed to this bill, but I bet you in their heart of hearts they like this bill a lot better that 3.2 million acres of land in Nevada continuing to be managed for wilderness concepts.

Let me also say in my state, unlike most states, visitations in wilderness areas have gone up very dramatically. I think that is kind of an ad hoc thing. In some places it has gone up, in some places it has gone down. I do not know how to account for that. We do not have that much wilderness area, but we have some beautiful areas that people enjoy visiting.

You are not going to be able to harvest the timber off of this area, but you can hunt, you can enjoy the recreational values, you can enjoy the asthetic values. I think that wilderness designations are very important to future generations.

I cannot believe how irresponsible Congress is from a fiscal standpoint. Just over the weekend, and I am not going to digress too far from this, but just over the weekend I could not help but

think President Bush wants $400 billion to go to Mars. We are going to spend $200 billion bailing out S&L's, $200 billion to clean up the nuclear waste sites in the country. It just goes on and on. They care. The President wants all of those things and then says, "Read my lips." We are going into what every economist in the country says. 37 of the top economists have written the President to say we are going into an economic recession in this country, which means the deficit is going to be much bigger next year.

You have Dick Cheney and the President all on television saying we have to have the Stealth bomber, we have to have this, we have to have that, otherwise the Russians are going to come up the Potomac River and get us. It is just madness, absolute insanity what is going on in this world.

When it comes to saving a little bit of this country for my children and my grandson who was just born a month ago—that is our first—you know without my saying I come down in favor of saving it.

In any event, we appreciate your testimony. We appreciate your strong feelings about this. Some of the things on water rights, unavoidable—we are going to have to resolve that.

Senator Reid, do you and Senator Bryan have a comment?

Senator REID. Thank you, Mr. Chairman. I do have a couple of comments. I have the greatest respect for these four panelists. However, I think Mr. Trimko called it the way it is. Basically he said that he did not want anymore wilderness, period. I think that is—more hearings is just a way of prolonging the inevitable. I think Mr. Trimko laid it out the way that the four panelists think. They simply do not want anymore wilderness.

I think it is also important to note that there are people who simply do not agree with this money that is being spent, and there is a lot of it being spent to gather these signatures. We all know that a lot of people that sign these letters are signing them just because they are asked to do it, that they do not understand the issue.

There is a multitude of letters that have been sent to me by people that have received this mail. Here is one from somebody that lives in Sparks, Nevada by the name of Scott Morrison. He said, among other things, "I found something in my mail last week that was very disturbing, a letter from the Nevada Sportsmen and Outdoors Association. Enclosed was a plea asking me to support multiple use of wilderness. I consider myself an outdoorsman. I hunt, fish and hike. However, I am not one of those so-called outdoorsmen who is driven by short-sighted self-serving pleasures that too often destroy what wilderness is meant to be. I deplore their tactic of sending these prefabricated mailers for Congressmen to send to Nevada's Congressional Delegation. I support the stance you have taken for Nevada's treasured wilderness.

"I am a Republican who has never picked up the pen to write a Congressman before. Thanks for giving me good reason to do so."

Mr. Chairman, I think it is also worthy to note that this small amount of land, and it is a small amount of land, and I think one way of illustrating what a small amount of land it is is Mr. Sorensen has one grazing permit that covers 830,000 acres. One grazing permit that is more than all the wilderness that we asked to be

classed in the State of Nevada. He has one grazing permit that is larger than that. That shows what a small area of land it is.

I would also state, Mr. Chairman, that this economic study that we are hearing so much about here today is referred to, the headline is "Wilderness Study Gets "F" from University of Nevada Reno Economics Chairman." It says,

> Any economist, whether in the Bureau of Land Management, the Forest Service or Congress, no matter what his leanings, for or against wilderness, is going to have a field day with this report just on its merit.
>
> Economics is a very conservative discipline. You have to prove what you assert. The sad thing is if anyone uses this report, their creditability would be destroyed.

I would also state, Mr. Chairman, we hear a lot about studies, and I think a study that I would direct the Chairman's attention to is one that, for example, the Great Falls, Montana Tribune reports that counties in or near wilderness areas are among the fastest growing in the country, and wilderness may be a major draw for new residents, says a University of Idaho researcher. "People seem to indicate that wilderness is an important reason why they move into such counties," says Professor Rudzitis. "Of 277 wilderness counties in 38 states, Rudzitis found that the average population growth in the 1970's was 31 percent, while other rural counties with no wilderness grew just 13 percent." This is in amplification of what Senator Wirth said here this morning.

I would also state, Mr. Chairman, that the Chairman of the Friends of Nevada Wilderness is a woman by the name of Lois Sagell, who has multiple sclerosis. She walks with a cane. She is crippled.

She recognizes that all these red herrings thrown out about paraplegics—you know, they throw that word out as if this bill is going to somehow stop paraplegics from going into these areas.

Understand, these areas paraplegics cannot go into them now well, cutting anybody off from going into areas they cannot go into. They do not go into them now. And Lois Sagell I think is a perfect example of a person who even though she cannot take a backpack and climb into these areas recognizes that there are certain places in this country that we do not need asphalt. We do not need parking lots.

And the State of Nevada—the map is gone, but it is a large state of over 72 million acres. This wilderness proposal that we have is less than 1 percent of that state, this beautiful state.

And I would also say, Mr. Chairman, that really a course in logic, with all due respect to Mr. Sorensen, he would not pass that based on all this silliness about animal rights and all of this stuff. It has nothing to do with wilderness and what other people are doing about burning up people's property.

Certainly wilderness has nothing to do with that and throwing out what animal rights activists are doing as if that is part and parcel of wilderness is a sure way to fail a logic course.

And so even though I recognize the spirit in which this is approached, we must remind ourselves that Nevada is a beautiful state that we want to be known for something other than setting off bombs and testing aircraft's capability. We want people to realize that Nevada is as beautiful if not more so, as I have said numerous times, than any state in the union. A series of intersection

mountain ranges that are absolutely picturesque and unsurpassed by any.

We do not affect grazing rights, we do not affect mining claims that have already been filed, and I say coming from a family of miners, we certainly can stop exploration in less than 1 percent of the state of Nevada.

We are proud, and I am a great supporter of mining, the oil and gas exploration taking place in the state of Nevada. I have supported that both in votes and deeds, and I will continue to do so.

But, let us be realistic. This wilderness legislation is something we need to get behind us and all the red herrings thrown up is not going to stop it. It is something that is going to happen, and I hope sooner rather than later.

Senator BUMPERS. Senator Bryan.

Senator BRYAN. I know our time is running out. I think the operational word here is balance. These gentlemen represent a point of view that a good many of Nevadans support.

It is my considered judgment, having traveled the state for more than 40 years now, that a great majority support additional wilderness designation and in the compromise and the tradeoffs that have been part of the six-year history of this legislation, the views of these gentlemen have explained and expressed to us, articulate as they have been, debated and discussed over and over again, and I think we simply have to make a judgment here in the Congress as to where to come down on that balance of 733,000 acres strikes me as 1 percent is a reasonable balance.

Would 20,000 more acres or 20,000 acres less be a reasonable balance? Arguments certainly can be made in that regard.

I know our time is limited. I was concerned about Mr. Sorensen's statement about the sabotage, too. I am sure, Mr. Sorensen, you did not mean to imply or suggest that the panel that preceded you, many of whom favored wilderness, were in any way part and parcel of any of these sabotage activities.

I think all of us that are right-thinking people oppose terrorism in whatever form it manifests itself. Is there any evidence that Nevada wilderness advocates have been involved in terrorist activities in your county?

Mr. SORENSEN. That is what we do not know definitely. But, as I made in the statement, one group did——

Senator BRYAN. Nevada group?

Mr. SORENSEN. Nevada, National, or whatever.

Senator BRYAN. I think in fairness, we are all Nevadans. We may have a difference of opinion as to this issue, but that is a blanket indictment to suggest that those who are advocates of wilderness would endorse terrorists or sabotage tactics as you characterize them.

There may be extremist groups, there are certainly extremist groups on both sides of the spectrum and on both sides of many questions.

But certainly I would like to think that you are a reasonable person, disagreeing as I do with your position. But to suggest one reason we ought to oppose this legislation is that some have engaged in extreme tactics—and you are not even suggesting that they are Nevadans and have damaged property, which I do not

support or endorse—and that is an argument against wilderness, I just think that does not follow at all. And, very frankly, I am somewhat offended by the notion if you are a wilderness supporter, then somehow you endorse or condone these tactics of violence.

Could you develop that for me a little bit? Maybe I misunderstand your position.

Mr. SORENSEN. I was merely stating what was quoted out of the Backpacker's Magazine, which is a national magazine telling about what Abbey and Foreman and some have been doing. And here is the handbook.

Senator BRYAN. Are they Nevadans? That is not a Nevada publication. Just so our record is clear. I would not want the distinguished Chairman of this subcommittee to think that a group of Nevadans were going around terrorizing the nation. Are they Nevadans, Mr. Sorensen?

Mr. SORENSEN. I think there are some that are associated with that are Nevadans, yes.

Senator BRYAN. But no Nevadans that you are aware of that have participated in this destruction of property that purport to be wilderness advocates?

Mr. SORENSEN. That is why a reward has been placed in the amount of $7,000 to determine who, in fact, was behind the Chukars Farm incident.

Senator BRYAN. I hope we find out who that is. I would disapprove of those tactics and would go on record saying so.

Mr. Chairman, you have been most generous with your time. I know you have got to relinquish this room, and I appreciate very much the courtesy you extend to me.

Senator BUMPERS. I thank you and Senator Reid for joining us this morning. Thank you.

We stand adjourned.

[Whereupon at 12:12 p.m., the hearing adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

American Petroleum Institute
1220 L Street, Northwest
Washington, D.C. 20005
202-682-8100

1989 AUG 23 PM 12:04

Charles J. DiBona
President

August 21, 1989

The Honorable
Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This statement is submitted for the hearing record on S. 974, to designate lands in Nevada as wilderness. The American Petroleum Institute (API) is a trade association representing 200 member companies in all aspects of exploration, production, transportation, refining, and marketing of oil and gas.

API appreciates this opportunity to submit comments and express our concern regarding this proposed designation of 733,400 acres for inclusion in the National Wilderness Preservation System. Decisions on wilderness designations are difficult ones to make. API cannot say what level of wilderness is appropriate for Nevada or for the system as a whole. However, we believe you should know that certain lands under consideration for wilderness in S. 974 have significant potential for producing oil and gas.

Specific industry interest has been expressed in areas of the central to eastern part of the state. Those areas of interest are in portions of the Humboldt and Toiyabe National Forests. Three of the areas--Currant Mountain, Quinn Canyon and Grant Range--are adjacent to Railroad Valley, where four of Nevada's five producing oil fields are located.

Nevada's five oil fields produced in excess of 3.1 million barrels in fiscal year 1987 making it eighth in rank among onshore states. This production is from just 62,000 acres of federal land. Since three of these oil fields were discovered only since 1982, much of the state is experiencing high levels of leasing, seismic and drilling activity. We urge you to exclude the three proposed wilderness areas from consideration for designation.

Our increased oil consumption and decreased domestic production have caused oil imports to rise by about 50 percent during the past three years. This year, imports have accounted for about 45 percent of consumption. Although U.S. oil consumption has grown

somewhat less rapidly this year than during the previous three years, domestic oil production has been falling more rapidly. Both lower-48 state crude oil production, which accounts for about three-fourths of total domestic production, and Alaskan production, which accounts for the remaining one-fourth, have fallen this year. The annual decline rate for lower-48 state production has been running at 300,000 to 350,000 barrels per day.

In addition, oil and gas activity in Nevada has netted a significant boost to the state and local economies. Based on mineral revenue data provided by the Department of the Interior's 1987 Mineral Revenues Report, Nevada has received nearly $41 million as its share of royalties, bonuses, and rents in the five fiscal years from 1983 to 1987. Nevada ranks 9th of 30 onshore states receiving such revenues. Industry expenditures for drilling and seismic activities for the last several years is estimated at in excess of $200 million. A significant portion of these funds remained in the state through the creation of local jobs; purchases of equipment, supplies, transportation and lodging needs; and state and local taxes.

In summary, API believes it is important to keep high potential federal lands open for exploration and development of oil and gas resources. We request that you consider the tremendous oil and gas potential in the Humboldt and Toiyabe National Forests and delete those areas from designation as new wilderness in Nevada.

We appreciate this opportunity to submit our comments for your hearing record.

Sincerely,

Charles J. DiBona

cc: Nevada delegation

P.O. BOX 5391
RENO, NEVADA 89513
(702) 827-4200

Citizen Alert

P.O. BOX 1681
LAS VEGAS, NEVADA 89125
(702) 382-5077

July 19, 1989

Senator Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks, and Forests
US Senate
Washington, D.C. 20510

Hon. Dale Bumpers,

Citizen Alert supports the Friends of Nevada Wilderness proposal for 21 wilderness areas and approximately 1.4 million wilderness acres in Nevada. Too long have these lands of great beauty and value lain at risk of development. We need to protect them for current and future generations.

Please support S974. It is a good first step toward setting aside sufficient wilderness in Nevada. Oil and mining interests are playing on the confusion of some Nevadans, and telling them that wilderness designation will make these lands off limits to all. S974 is helpful in that it will protect a part of many deserving acres, and make them available so that Nevadans and other Americans can enjoy their delights.

S974 does not set aside all the acres that Friends of Nevada Wilderness wants. Please amend this bill in your committee to delete the snowmobile corridors on Mt. Rose; and restore the Ackler Basin in the East Humboldt range to wilderness status. Much work has been done on this proposal and many years of hearings. It is time now to do the right thing and preserve some of Nevada's wild lands for public enjoyment.

Sincerely Yours,

Chris Brown
Southern Nevada Coordinator

BOARD OF DIRECTORS
PHYLLIS KAMIEN
Reno, NV
DAVID WRIGHT
Reno, NV
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Defenders
OF WILDLIFE

July 22, 1989

Senator Dale L. Bumpers, Chairman
Subcommittee on Public Lands,
National Parks, and Forests
Senate Committee on Energy and
Natural Resources
308 Dirksen Senate Office Building
Washington, D.C. 20510-6158

Re: Support for S. 974, Nevada National Forest wilderness legislation.

Dear Mr. Chairman:

Defenders of Wildlife is pleased to learn that your Subcommittee has scheduled a July 24 hearing on S. 974, the excellent Nevada National Forest wilderness legislation introduced by Nevada Senators Reid and Bryan. Unfortunately, we will not be able to appear at this important hearing. We wish to submit this letter as our testimony on S. 974, and we request that this letter be included in the hearing record.

We strongly support and urge the Subcommittee to pass without any weakening amendments S. 974, which would designate 14 wilderness areas, totaling 733,400 acres. Each of these 14 roadless areas deserves and needs wilderness protection.

Although we support the designation of 21 new Nevada National Forest wilderness areas, totaling about 1.4 million acres, we recognize that S. 974 is a reasonable compromise. We commend Senators Reid and Bryan, along with Congressman Bilbray, for their agreement to pursue this compromise wilderness legislation. We believe that this agreement demonstrates positive leadership to resolve a longstanding, complex, and difficult subject.

We have two specific recommendations and one comment relating to S. 974. The first recommendation is that any snowmobile corridors or "special exemption" in the proposed Mt. Rose wilderness area be removed. Snowmobile use is not necessary or appropriate in wilderness areas. Indeed, such use would establish an egregious and dangerous precedent for the National Wilderness Preservation System. There are many areas available for snowmobile uses around Mt. Rose.

CALIFORNIA OFFICE: 5604 ROSEDALE WAY, SACRAMENTO, CALIFORNIA 95822 • (916) 442-6386
NATIONAL OFFICE: 1244 NINETEENTH STREET, NW • WASHINGTON, DC 20036 • (202) 659-9510

Defenders OF WILDLIFE

The second recommendation is that the Ackler Basin be included within the proposed East Humboldt Range wilderness area. The Ackler Basin provides critical deer winter habitat, and it also qualifies for wilderness designation. The Forest Service is reportedly considering a land exchange which could harm this critical wildlife habitat. If this public land becomes private, destructive development could jeopardize deer and other wildlife.

The comment acknowledges the water rights language in S. 974. This language recognizes a federal reserved water right in wilderness areas, but fully protects existing water rights by making the federal water right "junior" to all existing water rights. We understand that this language reflects a compromise, and on that basis, we support it.

Please work for the prompt enactment of S. 974.

Thank you very much for considering our views.

Sincerely,

Richard Spotts
RS

Richard Spotts
California/Nevada Representative
Defenders of Wildlife

RS/js

cc: Senator Richard H. Bryan
Senator Harry M. Reid
Congressman James H. Bilbray
Congresswoman Barbara F. Vucanovich
Governor Robert Miller
Interested parties

EXXON COMPANY, U.S.A.
POST OFFICE BOX 2180 • HOUSTON, TEXAS 77252-2180

EXPLORATION DEPARTMENT

S. M. CASSIANI
VICE PRESIDENT

July 26, 1989

S. 974 - Nevada Wilderness
Protection Act of 1989

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks and Forests
Room SD-308
Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Bumpers:

I am attaching a statement of Exxon Company, U.S.A. regarding S. 974 and respectfully request that you enter it as a part of the record resulting from your July 24, 1989 hearing. Exxon has had a continuing interest in exploring for oil and gas within the State of Nevada for several consecutive years. We have studied the oil and gas potential through geologic evaluations, geophysical seismic activities and exploration drilling. The results of our information support our continued activity; therefore, we respectfully request that geologically prospective areas not be withdrawn from mineral entry by including such areas within the National Wilderness System.

Exxon feels it is extremely important that geologically prospective areas remain open for oil and gas exploration and development and this position has been supported by an ever increasing dependency on imported oil and a steadily declining domestic production and reserve base.

Sincerely,

SMC:ie
Attachment

STATEMENT OF EXXON COMPANY U.S.A.

CONCERNING S. 974 "NEVADA WILDERNESS PROTECTION ACT OF 1989"

BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

JULY 24, 1989

WASHINGTON, D. C.

This statement is submitted on behalf of Exxon Company, U. S. A.'s Western Exploration Division. Exxon's Western Division has responsibility for all onshore oil and gas exploration activities in the western United States, including Nevada.

Exxon Company appreciates this opportunity to submit comments expressing our interest in the Nevada wilderness issue. From our perspective, S. 974 would eliminate potential future opportunities for oil and gas exploration and production.

Exxon's position on wilderness legislation incorporates four points:

(1) Wilderness decisions should include consideration of all public benefits, including potential for occurrence of natural resources;

(2) Oil and gas exploration and development activities are compatible with other land uses and resources, and can be conducted with minimal impact on the land and the environment;

(3) Certain areas under consideration for wilderness designation in Nevada have the potential to yield significant oil and gas resources, consequently it would be inappropriate to designate these areas as wilderness; and,

(4) These potential resources are important to the state of Nevada and the nation.

Wilderness decision

In view of the permanent nature of wilderness, we encourage you to carefully consider all public and economic values, including those for potential mineral resources, before making your decision about new additions to the wilderness system. From experience in other states and the continuing debate over Nevada wilderness

designation, we know wilderness decisions are difficult and that no area is free of conflict or concern.

We also believe your decision should include consideration of how well multiple use management works. All of the proposed wilderness areas were managed under multiple use principles before they were recommended for consideration as new wilderness areas. Indeed, the fact that they are presently in contention for wilderness designation is evidence that land allocations for single use purposes, like wilderness, is not needed.

Exxon cannot say what level of new wilderness is appropriate for Nevada, but we believe those who will make the decisions, Nevadans and the Congress, should know that certain lands under consideration for wilderness designation also have significant potential for producing oil and gas. We believe these areas--the Grant Range, Quinn Canyon, and Currant Mountain--should remain open for multiple use purposes. We strongly urge you to eliminate these areas from consideration for wilderness designation.

Nevada's oil and gas potential

It is in the national interest for the oil and gas industry to continue to have the opportunity to explore in areas which have high potential for production of oil and gas. Public benefits which might be realized from production of oil and gas reserves from such areas are lost forever if they are designated as wilderness.

Each of the three noted areas is known to contain the geologic formations and parameters necessary to generate, trap, and preserve oil and gas deposits. To date, none of the areas have been drilled to test whether such deposits truly exist or are economically recoverable. But before any drilling occurs, more geologic, geophysical and other exploratory work needs to be done--work which cannot be done if the areas are designated wilderness.

Exxon's interest in the three potential wilderness areas of Grant Range, Quinn Canyon, and Currant Mountain was stimulated by recent discoveries in Nevada's Railroad Valley. The Railroad Valley is adjacent to the three potential wilderness areas and is also where four of Nevada's five producing oil fields are located. Three of Nevada's oil fields were discovered only since 1982, consequently, much of the state is currently experiencing high levels of leasing, seismic, and drilling activity. It is important to note that one of the wells in the Railroad Valley, the Grant Canyon #3, is the highest daily volume onshore oil producer in the lower 48 states at 4,000 barrels per day.

Exxon interest

Exxon committed to a Nevada exploration program in 1984. Since that time, we have been very active in Nevada. For example, in 1984 and 1985, the oil and gas industry conducted 112 crew months

of seismic work in the state--Exxon alone accounted for nearly half of the total. In addition to acquiring several thousands of miles of new seismic data, we also drilled two significant exploration wells in the state. Although both wells were drilled and plugged, much valuable geologic information was acquired and has been incorporated into our present geologic evaluation.

As an indication of its Nevada commitment, Exxon is the operator for two of the four Bureau of Land Management approved development contracts in the state. Each contract has specific annual obligations for financial and geological work to be done. Each of the four development contracts has a ten year term, which is evidence of industry's deep and long-term interest in exploring for Nevada oil and gas. The federal acreage contained within these four development contracts is nearly 5.9 million acres, of which Exxon's interest is 1.3 million acres.

Industry interest

Exxon is not alone in its excitement about Nevada's oil and gas potential. For example, from an exploration perspective, it is cogent that Nevada has four of eight development contracts in the country. Nevada's federal lease sales are well attended and there is much competition for lease acquisition. From a drilling perspective, in the five year period from 1984 to 1988, 114 wells were drilled in Nevada, which is highly significant not only in terms of the current depressed oil economy but also in the context that a majority of these wells constitute exploration risk-taking in a geologically complex frontier area.

From a production perspective, and using figures from the Department of Interior's 1987 Mineral Revenues Report, Nevada's five oil fields produced in excess of 3.1 million barrels in fiscal year 1987--eighth in rank among onshore states. This figure is even more startling in view of the fact that Nevada's production is from just 62,000 acres of federal land. The impact and importance of Nevada's high volume production is evident from Table 19 of the 1987 Report: Production from recent discoveries over the last four years exceeds production for the preceding twenty-nine years.

Compatibility with other uses and resources

Oil and gas exploration and production activities are compatible with other land uses and resources as our industry has demonstrated throughout the West. Our industry's activities are temporary in nature, are carefully conducted under a broad range of wildlife and environmental protection measures, and are closely coordinated with the public land management agencies to ensure no permanent impacts are left on the land. If a discovery is made, development of the field can only occur after an environmental analysis is conducted and an operating plan is developed and approved by the state and federal authorities.

[illegible] [illegible] [illegible] [

Kiwanis Club of Golden K
450 E. Bonanza Road
Las Vegas, Nevada 89101

July 19th, 1989

Senator Dale Bumpers,
Chairman of Sub-Committee on Public Lands,
National Parks and Forests,
UNITED STATES SENATE,
Washington, D.C. 20510.

Dear Senator:

You are very aware that Bill S-974, put forward by our Nevada Senators Reid and Bryan, comes up for critical discussion this week or next.

The members of this Kiwanis Club of Golden K as a body are so very much in favor of preserving the scenic wilderness of our state that three or four years ago they accepted membership in FRIENDS OF NEVADA WILDERNESS so that their support might be more readily evident to those involved in Wilderness, both here and in Washington.

Know you, therefore, that Golden K solidly supports S-974 and whatever you may do in your capacity as Sub-Committee Chairman to further this measure will be greatly appreciated.

Yours cordially,

KIWANIS CLUB OF GOLDEN K

By:

Clarence H. Lloyd
Secretary

THE LEAGUE
OF WOMEN VOTERS OF NEVADA

3096 E. Shadowridge Ave.
Las Vegas, NV 89120

July 19, 1989

Senator Dale Bumpers, Chairman
Sub-Committee for Public Lands
U. S. Senate
Washington, D. C. 20510

Dear Senator Bumpers:

Please support the FRIENDS OF NEVADA WILDERNESS for wilderness in Nevada. We see the Reid-Bryan Bill, No. S 974, as a compromise which is acceptable to most Nevadans.

We would like to recommend that the snowmobile area on Mt. Rose be deleted from the Bill. We believe the language regarding water rights is good. Also, we suggest that the Ackler Basin in the Rubies should be included.

Sincerely yours,

Norma Cox
PRESIDENT

NEVADA FARM BUREAU TESTIMONY ON S. 974
NEVADA WILDERNESS BILL
SENATE ENERGY & NATURAL RESOURCE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTRY

PRESENTED BY,
DOUG BUSSELMAN
OF NEVADA FARM BUREAU

July 24, 1989

We are writing today to present Nevada Farm Bureau's thoughts and public policy on S. 974.

Nevada farmers and ranchers are very proud of the splendor and scenic beauty nature has presented us in our state. With few, if any exceptions, those of us involved in agricultural production have more contact with this grandeur than any other group of people.

From this vantage point, as stewards of nature's resources, we deeply regret that you have before you today, this legislative proposal to abandon over 733,000 acres in our state for the purpose of designating these 14 sites as "Wilderness" areas.

Proponents of Wilderness suggest that preservation of these areas is needed or they will be lost forever. It is our strong belief that through this process of preservation, abandoning active management procedures and practices, the areas will be lost. One only has to recall the disasters of last summer's fires in the Yellowstone area to understand what happens when non-management, "naturalism" is given its way. If that's what's meant by "preservation," we can only say -- "Thanks, but no Thanks!"

Farm Bureau urges a total reevaluation of the Wilderness areas which have been put into place since 1964. Thorough and unbiased attention needs to be given to the impact "Wilderness" designation has had on the condition of the resource, as well as the economic impact on the local area. During this study period, no additional area should be designated for Wilderness and all properties currently involved in Wilderness study should be released for multiple use.

Along with the study of the impact of Wilderness designation, we also request that in-depth information be presented concerning the actual amount of grazing taking place in designated Wilderness areas. We are told time and time again that grazing is allowed in Wilderness areas -- we are also told that actual Forest Service regulations, red-tape and practices severely restrict (if not outright prevent) grazing to take place.

We believe that livestock operators, grazing their animals within designated wilderness areas should be allowed to care for their livestock, range

improvements and fences, and control predaters in the traditional manner. Furthermore, we support immediate actions to require control of fire, noxious weeds, insects and diseases where they pose a threat to adjacent multiple-use areas and private property, or the wilderness area itself.

Perhaps most alarming of all, S. 974, in our opinion, sets extremely dangerous precedence in the language of Section 9 covering Water Allocation Authority. We believe that S. 974 automatically establishes a federal water rights claim without proper recognition or respect for Nevada water law. Furthermore, the amount of water reserved for wilderness purposes by the bill is not quantified.

Under the bill, claims could be made for "historic flows" through wilderness areas. Although unquantified claims may be of no great concern in head water areas, they may be of tremendous consequence in areas downstream of other water users. S. 974 sets a very dangerous precedent for Nevada water users if and when lower-elevation BLM lands are designated as wilderness.

It is our contention that in the 1964 Wilderness Act, Congress did not intend to create federal reserved water rights when it provided for the designation of wilderness areas. We believe any water rights claimed for any public land should be subject to acquisition only under state water right laws and subject to the doctrine of unexercised rights, which would give those lands priority below those water rights which have been exercised by previous use. It is also essential that wilderness water rights claims are quantified so that their impact on other uses is known.

Instead of the language spelled out in section 9, we believe that language to this effect should be used:

"State Water Allocation Authority"

Within the State of Nevada, nothing in the Wilderness Act nor this act nor any other legislation designating lands as wilderness shall constitute either an express or implied reservation of water or water rights for any purpose. The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness pursuant to the substantive and procedural requirements of the laws of the State of Nevada."

As you may be aware this language is the same as the wording contained in Senator McClure's proposal for Idaho wilderness. We believe it provides an extremely good model to follow in development of water-related wilderness language.

Since the first of calendar year 1989, we have tried unsuccessfully to persuade the sponsors of S. 974 to hold hearings on this bill in Nevada, where

local residents, impacted by your decisions, would have the opportunity to provide their input. From the responses we've received to our request, it would seem that this input is not of interest. Supposedly, the matter of Nevada's Wilderness designation (based on what we've been told) has been given all the hearing attention it needs. That philosophy is not one that we share.

Since former U.S. Senator Hecht held Nevada hearings in 1986 a host of new developments and critical new concerns are being raised by sportsmen, recreational interest and other public land users.

Instead of no one having anything in addition to contribute, it would seem that our elected officials have made up their minds and would prefer not to be bothered with citizen reactions to this proposal. Hopefully, more extensive wilderness leavings on this particular proposal -- (a proposal which has not been offered for public comment in local Nevada hearings) -- can be scheduled prior to any final decision. It seems only fair to our way of thinking that those impacted by the enactment of Wilderness designation should have a say in whether such designation takes place in their "backyards".

We would hope that through this process of Nevada-based hearings attention would be focused on not only the matters outlined in this communication, but also on the question of; how much land is the federal government planning to lock away in Wilderness designation? S. 974 speaks of additional Department of Agriculture "review of the Wilderness option when the plans are revised, which revisions will ordinarily occur on a 10-year cycle..." From this, are we to understand that every 10 years or so, more and more Wilderness will need to be offered up in the misguided notion that preservation equals responsible care of nature's resources?

This point is even more pressing when you consider the fact that in the very near future actions will begin on designations of Wilderness for Bureau of Land Management lands in Nevada. We've been told that this round of Wilderness designations must be wrapped-up so that we can get rolling on the next phase.

Enough is enough in our opinion and that point has been reached in terms of U.S. federal Wilderness lock-outs. Whether it be in our state or elsewhere.

In closing we repeat our primary theme that a moratorium is needed on Wilderness designations and that a complete study be conducted into the long-term implications of what has already been locked away into designated Wilderness areas.

Thank you for your attention on this matter.

Nevada Wildlife Federation, Inc.

An Affiliate of the National Wildlife Federation

Post Office Box 71238
Reno, Nevada 89570

The Honorable Dale Bumpers, Chairman
Senate Sub-Committee on Public Lands,
National Parks and Forests.
Dirksen Senate Office Building
Room 336
Washington, D. C. 20510

July 19, 1989
Ref: S974
Nevada Wilderness

Dear Chairman Bumpers,

The Nevada Wildlife Federation, an affiliate of the National Wildlife Federation, wishes to be entered on the record as supporting S974 the Nevada Wilderness Protection Act of 1989. We urge quick Congressional action on this bill as the subject before you has had numerous hearings and is becoming a devisive issue based upon a well financed negative scare campaign.

Our organization has supported prior wilderness bills in the 600,000 to 700,000 acre size. We support the areas as designatedfor wilderness withdrawal with one suggested boundary change in the East Humboldts. We would recommend the inclusion of the Ackler Creek Basin due to its high wildlife and scenic values. We recognize the alternate section - private land status in the area, but feel the majority of the basin should move to public ownership as its highest and best use and wilderness status may provide the impetus.

We take specific note of Sec. 6 Grazing in Wilderness Areas; Sec. 8 Prohibition of Buffer Zones, Sec. 9 Water Allocation Authority, Sec. 10 State Fish and Wildlife Authority and Sec. 11 Allowance of Climatological Data Collection. We endorse those sections as written.

Testimony will undoubtedly be presented that claims dire consequences for hunters, hunting access and the inability of the Nevada Department of Wildlife to manage wildlife in wilderness areas. If that were true, then that department would not have recommended and the Board of Wildlife Commissioners would not have supported over 600,000 acres of Forest Service wilderness. If those claims were valid then our organization or the National Wildlife Federation or many of its other affiliates in other western states would not be supporting wilderness designations.

Further, testimony will probably be presented that infers that uses on public land in Nevada are changing to the extent that additional hearings should be held in state. You will also probably hear that wilderness areas cause an adverse economic impact thus the need for Nevada hearings. We feel that those contentions are unsupportable

and view the call for instate hearings as a stalling tactic to attempt to build a misinformed opposition. What we do support is the dedication of these valuable portions of the National Forest System lands for the benefit and enjoyment of <u>future generations</u> followed by the release of over 2 million acres for non-wilderness multiple-use purposes.

Again, your committee's favorable action on S974 and its passage by Congress in the near future is respectfully encouraged.

Sincerely,

Fred E Wright

Fred E. Wright
Legislative & Issues Representative

FEW/vw

NORTHERN NEVADA NATIVE PLANT SOCIETY

BOX 8965 • RENO, NEVADA 89507

19 July 1989

Senator Dale Bumpers, Chairman
Sub-committee for Public Lands,
National Parks, & Forests
U.S. Senate
Washington, D.C. 20510

Dear Senator Bumpers:

The membership of the Northern Nevada Native Plant Society very much supports the designation of wilderness areas in Nevada. We feel that the 21 areas comprising 1.4 million acres of wilderness proposed by the Friends of Nevada Wilderness is fitting. However, we realize that there are people who think that this is too much wilderness. The Reid-Bryan bill (S974) with 733,000 acres of wilderness is a rational compromise. After all, this is only 1 percent of Nevada's total acreage--in a state where 5.5 percent of the land (almost 4 million acres) has been set aside solely for the activities of the Departments of Defense and Energy. We urge you to please support the Reid-Bryan bill as a reasonable agreement between proponents and opponents of wilderness.

Sincerely,

Margaret Williams

Margaret Williams
Executive Director,
Northern Nevada Native Plant Society

SOUTHERN NEVADANS COMMITTED TO CONSERVATION

RED ROCK AUDUBON SOCIETY

July 20, 1989

Senator Dale Bumpers
Chairman; Subcommittee on Public Lands, National Parks and Forests
U.S. Senate
Washington, D.C. 20510

Re: S974 - Nevada Wilderness Bill

Dear Senator Bumpers,

We, the members of the Red Rock Audubon Society, strongly urge your support of S974 and in fact would like to see some additional areas added to those propsed in S974. We feel that the proposal made by the Friends of Nevada Wilderness(FNW) is a well reasoned plan which includes the truly outstanding Forest Service Natural Areas in Nevada.

Because of Nevada's unique topography, namely valleys and isolated mountain ranges the biologic diversity found within these proposed Wilderness Areas is unique within the continental United States and irreplaceable. As an arid or semi-arid region Nevada's wild lands are particularly vulnerable to man and his motorized vehicles. If we are to preserve any of our natural areas for future generations we must have areas which are off-limits to development and motorized vehicles. The only effective statutory means of doing this is to set these areas aside as Wilderness.

Your support of S974, particularly with the FNW additions would be greatly appreciated.

Sincerely,

John E. Hiatt

John E. Hiatt
Conservation Chairman

POST OFFICE BOX 42944 LAS VEGAS, NV 89116

SIERRA CLUB

Toiyabe Chapter — Nevada and Eastern California
P.O. Box 8096, Reno, Nevada 89507

A STATEMENT BY THE SOUTHERN NEVADA GROUP OF THE SIERRA CLUB

ON NEVADA WILDERNESS

On behalf of the members of the Southern Nevada Group of the Sierra Club this statement is respectfully submitted to the Senate Subcommittee on the Public Lands, National Parks and Forests for its July 24, 1989 hearing on Nevada Wilderness.

We are in support of the joint proposal by the Friends of Nevada Wilderness (Friends) and the Sierra Club for 21 wilderness areas totalling about 1.4 million acres. This land would comprise only 2% of Nevada and would release about 2 million acres of roadless National Forest lands. In contrast to our neighboring states this is a small amount. Idaho and California presently have six (6) and seven (7) percent of their lands, respectively, within the Wilderness Preservation System. Is 2% of Nevada such an unreasonable amount of wilderness for Nevada? We think not.

Wilderness provides many things to many different people. It gives us the opportunity to escape the daily routine of our lives and the chance to experience, particularly here in Nevada, that which has come to symbolize America to her citizens and those around the world, the great outdoors of the American West. Here, almost anyone can experience the solitude and spiritual reawakening possible in the still remote ranges of Nevada's Great Basin.

In the past few months, however, opponents of Nevada wilderness have been spreading distortions in newspaper editorials and full-page advertisements about wilderness. Claiming that they want to keep Nevada's roadless areas free of government regulation and open for "multiple-use", they are trying to forestall wilderness legislation. In fact, land designated wilderness is multiple use! In any one wilderness area people can fish, hike, hunt, canoe, take pictures of and observe wildlife and beautiful scenery, ride a horse, and camp. But in the "multiple-use" areas of the wilderness opponents a mine or timber clear-cut would exclude all these activities. This is not multiple-use - it is a single destructive use. Must all of our public lands be exploited by a few instead of set aside for all Americans?

Nonetheless, past wilderness legislation, as would any Nevada wilderness legislation, allows the development of previous mining claims, grazing up to levels extant at the time of enactment of the legislation, and wilderness oriented commercial activities. At the present time we are even seeing that active management of wilderness is permitted. These past couple of weeks have seen the fighting of forest fires within designated wilderness areas in our neighboring state of Utah. In addition to fire management, wildlife may be managed through methods including re-introduction of native wildlife species and maintainence of guzzlers as water sources for game and non-game wildlife species. It is also important to remember that wilderness designation does not "lock-up" our potentially commercial natural resources. It does, however, conserve these resources until such time that an Act of Congress deems that there is a national crisis that requires their extraction.

Senators Reid and Bryan have put considerable time and work into their Nevada Wilderness Bill, S974, and we are grateful for their efforts as well as for Congressman Bilbray's similar efforts. This bill, that would set aside 733,400 acres of wilderness, is a good start for a superb wilderness bill for Nevada. Particularly, its water rights language, giving wilderness a lawful right to water, is very important. The snowmobile corridor through the Mt. Rose proposed wilderness, hoewever, is counter to the explicit nature of designated wilderness. Allowing these mechanized vehicles into a wilderness area would set a dangerous precedent for the entire Wilderness Preservation System.

We feel that those areas included in the Friends - Sierra Club proposal for 1.4 million acres of wilderness and left out from S974 also meet the criteria of Congressicnally designated wilderness. For instance, the Schell Peaks area has been described by many as perhaps even more stunning an example of a Great Basin range than the spectacular Ruby Mountains proposed wilderness.

In closing, wilderness is something needed by all Americans and by those yet to come. These areas preserve the best of America as it dwindles before the ever increasing pace of development. As Nevadans we would like the best of Nevada preserved for all.

Sincerely,

David W. Brickey
Conservation Chair
Southern Nevada Group

Soroptimist International of Boulder City

POST OFFICE BOX 61
BOULDER CITY, NEVADA 89005

July 18, 1989

Senator Dale Bumpers
Chairman,Sub Committee
National Parks&Forests
and Public Lands
U.S. Senate
Washington, D.C.20510

Dear Senator Dale Bumpers;

On behalf of Soroptimist International of Boulder City, Nevada, we support the Friends of Nevada Wilderness Proposal, which is for twenty one wilderness areas.

We also feel that the Reed Bryon bill (S 974) is a good compromise.

Yours truly,

Barbara R. Knox
Vice Pres. S.I./B.C.Nev.

Virginia Range Wildlife Protection Association

Virginia Range Environmental Protection Association

Senator Dale Bumper, Chairman
Subcommittee on Public Lands
National Parks and Forests
U.S. Senate, Washington, D.C., 20510

July 19, 1989

Dear Sen. Bumper:

Re: Nevada Wilderness Legislation

We urge you and your committee to give every consideration to the Friends of Nevada Wilderness recommendations of 2? areas and ?.? million acres to be set aside as Wilderness in Nevada.

However, we realize that much is involved in obtaining agreement on the wilderness areas our state approves. Consequently, we support S.B. 974 and hope your committee will recommend it to the Senate for passage with the following:

1/ Remove areas foreseeably use on Mount Rose.
2/ Include the Bradley Basin in the East Humboldt area.
3/ Retain the present water rights language.

We appreciate your efforts for Nevada.

Respectfully,

Geraldine R. Olson, Exec. Sec.

P.O. Box 000 • Virginia City, Nevada 89440 • (702) 847-0755

WIDA!

WSPA
Western States Petroleum Association

July 31, 1989

Senator Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Subject: STATEMENT OF WESTERN STATES PETROLEUM ASSOCIATION CONCERNING S. 974 "NEVADA WILDERNESS PROTECTION ACT OF 1989"

Dear Senator Bumpers:

This statement is submitted on behalf of the Western States Petroleum Association (WSPA). WSPA is a trade association representing member companies involved in all aspects of exploring producing, refining and marketing oil and gas in the Western United States.

WSPA appreciates this opportunity to submit comments expressing our interest in the Nevada wilderness issue. S. 974 would lock up excessive acreage and eliminate potential future opportunities for oil and gas exploration and production. In view of the permanent nature of wilderness, we encourage you to carefully consider all public and economic values, including those for potential mineral resources, before making your decision about new additions to the wilderness system.

We also believe your decision should include consideration of how well multiple use management works. All of the proposed wilderness areas were managed under multiple use principles before they were recommended for consideration as new wilderness areas. Indeed, the fact that they are presently in contention for wilderness designation is evidence that land allocations for single use purposes, like wilderness, is not needed.

It is in the national interest for the oil and gas industry to continue to have the opportunity to explore in areas which have high potential for production of oil and gas. Public benefits

[illegible]

which might be realized from production of oil and gas reserves from such areas are lost forever if they are designated as wilderness.

WSPA is particularly concerned that this proposal includes areas known to contain the geologic formations and parameters necessary to generate, trap, and preserve oil and gas deposits. Specific industry concern has been expressed over the areas numbered 4,5,8,9,10,11, and 12, in the central to eastern part of the state.

Three of these potential wilderness areas (4,8 and 12) are adjacent to the Railroad Valley, where four of Nevada's five producing oil fields are located. Three of these oil fields were discovered only since 1982. Consequently, much of the state is currently experiencing high levels of leasing, seismic, and drilling activity. To date, none of the three areas have been drilled to test whether such deposits truly exist or are economically recoverable. But before any drilling occurs, more geologic, geophysical and other exploratory work needs to be done-- work which cannot be done if the areas are designated wilderness.

Nevada's five oil fields produced in excess of 3.1 million barrels in fiscal year 1987 -- eighth in rank among onshore states. This figure is even more startling in view of the fact that Nevada's production is from just 62,000 acres of federal land. The impact and importance of Nevada's high volume production is evident from the fact that production from recent discoveries over the last four years exceed total production for the preceding twenty-nine years.

Oil and gas exploration and production activities are compatible with other land uses and resources. These activities are temporary in nature, are carefully conducted under a broad range of wildlife and environmental protection measures, and are closely coordinated with the public land management agencies to ensure no permanent damage to the land.

Our nation's public lands are provided superlative protection by federal laws such as the National Environmental Policy Act, the Federal Land Policy and Management Act, the Clean Air and Clean Water Acts, the Endangered Species Act, the National Historic Preservation Act, and the Federal Onshore Oil and Gas Leasing Reform Act and many other federal regulations and state laws. Clearly, designation of areas as wilderness in order to protect them is not necessary in view of the magnitude of statutory protection already in place.

In view of our growing dependency on foreign imports (to nearly half of our energy needs), WSPA believes it is wise public policy to keep high oil and gas potential public lands in multiple use instead of designating them as wilderness. If the United States is to reduce or limit its potential exposure to foreign supply interruptions, it must include in its policies a willingness to keep prospective lands available for oil and gas exploration opportunities and production needs.

Oil and gas industry activity in Nevada has netted a significant boost to the state and local economies. Nevada has received nearly $41 million as its share of royalties, bonuses, and rents in the five fiscal years from 1983 to 1987. As such, Nevada ranks ninth of thirty onshore states receiving such revenues.

If the Congress decides to ignore the oil and gas potential of these lands and designate them as wilderness, we believe future exploratory activity in Nevada will be substantially reduced, valuable energy resources may be forever foregone, and potential benefits to the state and the nation will never be realized. WSPA opposes adoption of this legislation as it is now written. We strongly urge the Subcommittee to eliminate the previously mentioned areas fron any further consideration for wilderness designation.

Thank you for your consideration of our comments. If you have any questions or would like to discuss the issue further, Elsa Rosenberg of our staff would be pleased to discuss and address your concerns.

Very truly yours,

Douglas F. Henderson

Douglas F. Henderson
Executive Director

DH: ed

20 July 1989

FROM: Walter Barbuck
4050 Palos Verdes, #19
Las Vegas, NV 89119

TO: United States Senator Dale Bumpers, Chmn Subcommittee Public Lands, National Parks & Forests

I wish the below statement to be included as part of the hearing to take place 24 July 1989 in Washington in reference to S. 974; The 1989 Nevada Wilderness Bill. It was introduced by Sen Reid & Sen Bryan from Nevada

The Bill is a fine one as far as it goes. I would recommend that the bill be amended to include 1.4 million acres consisting of 21 areas. It could be patterned after the bill introduced by Rep Darden from Georgia. It is not an unreasonable request since this state consists of over 3 million roadless acres which could easily qualify for wilderness status. I would also like to see the language for water rights written in the strongest, no nonsence terms which would give the highest priority to wilderness. This is extremely important as the demands on the available water are becoming more & more pronounced.

An example of this are the problems encountered at the Stillwater National Wildlife Refuge here in Nevada. The Wilderness Society, a respected environmental organization in listing the refuge as one of the 10 most endangered in the United States states that "because of dams and other upstream uses, so little water now reaches Stillwater that only 8,000 of the management area's 224,000 acres are still in marshes". I say again gentlemen that water rights for wilderness here in Nevada should be handled and appropriated by the Federal government.

I would also like to see the Mt Rose corridor for snowmobileing be excised from this bill. Since not all qualifying areas are being considered there are [illegible] places that they can go with their toys.

This is the end of my statement

Thank You

Walter Barbuck

Walter Barbuck

20 July 1989

Senator Dale Bumpers, Chairman
Sub-committee on Public Lands,
National Parks & Forests
U. S. Senate
Washington, D.C. 20510

Dear Senator Bumpers:

The need for wilderness designations becomes more evident with each new report of man-made destruction to our natural resources.

As the director of a zoo and botanical garden I am constantly made aware of threats to the flora and fauna of our world made by man's indiscriminate, selfish encroachment into every corner of our planet.

I believe strongly in protecting the pristine areas designated by The Friends of Nevada Wilderness for the future. I am convinced that no hardship will be suffered by any thinking person with the preservation of this small amount of land.

Those people who want to enjoy nature free of the noise and havoc created by off road vehicles, and the threat of danger from guns, should be allowed their corner of the world too.

Our vast membership at the zoo is, with very few exceptions, solidly behind wilderness designations.

Sincerely,

Pat Dingle
Director

Senator Dale Bumpers, Chairman
Senate Subcommittee on Public Lands, National Parks and Forests
United States Senate
Washington, D.C. 20510

July 21, 1989

Dear Senator Bumpers,

The wilderness issue has been of long standing concern to me, both in public and private life. I have presented written and oral testimony, in Reno, NV., and in Washington, D.C.. I have a strong commitment to the designation of Mt. Rose as wilderness. The Reno City Council, under my chairmanship, unanimously passed a resolution endorsing Mt. Rose as wilderness. This resolution has been entered into previous Congressional testimony on prior Wilderness legislation.

Personally, I support the position of the Friends of Nevada Wilderness, which proposes 1.4 million acres of wilderness in twenty-one areas. However, I recognize the Reid/Bryan bill, S974, as a reasonable compromise. I do have two reservations with S974 which should be addressed: the snowmobile corridor on Mt. Rose and the omission of Ackler Basin from the East Humboldts proposed wilderness. The snowmobile corridor is of great concern to me, as snowmobiling constitutes a detrimental impact on this sensitive area, and the proposed seasonal use corridor is in direct conflict with the stipulations of the 1964 Wilderness Act. Immediately adjacent to the proposed Mt. Rose wilderness is a designated snowmobile use area, and there are numerous other nearby lands which are appropriate for such activities. Please do not weaken the proposed Mt. Rose Wilderness, nor the 1964 Wilderness Act.

I sincerely thank you for the consideration of these views,

Peter J. Sferrazza, Mayor
Reno, Nevada

Your address